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Mongolia's international security and nuclear-weapon-free status

Report of the Secretary-General

Summary

The present report contains an account of new developments and the assistance accorded to Mongolia by the Secretariat and relevant United Nations bodies since the previous report on this subject (A/71/161) was issued in July 2016.

During the period under review, Mongolia has continued to receive international recognition for its nuclear-weapon-free status and to promote other nuclear disarmament and non-proliferation objectives. Mongolia has continued to seek further institutionalization of its nuclear-weapon-free status.

The Government and people of Mongolia have received assistance from various Member States and United Nations departments, agencies, funds and programmes, including the Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States, the International Atomic Energy Agency, the United Nations Development Programme and the Food and Agriculture Organization of the United Nations.

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I. Introduction

1. In its resolution 71/43, entitled "Mongolia's international security and nuclear-weapon-free status", the General Assembly invited Member States to continue to cooperate with Mongolia in taking the necessary measures to consolidate and strengthen Mongolia's independence, sovereignty and territorial integrity, the inviolability of its borders, its independent foreign policy, its economic security and its ecological balance, as well as its nuclear-weapon-free status. The Assembly also appealed to the Member States of the Asia-Pacific region to support Mongolia's efforts to join the relevant regional security and economic arrangements. The Assembly further requested the Secretary-General and relevant United Nations bodies to continue to provide assistance to Mongolia in taking the aforementioned necessary measures and requested the Secretary-General to report to it at its seventy-third session on the implementation of the resolution.

2. The present report is submitted pursuant to that request and is based on the information concerning the implementation of the resolution received to date from Mongolia and from Morocco, the Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States, the International Atomic Energy Agency (IAEA), the United Nations Development Programme (UNDP) and the Food and Agriculture Organization of the United Nations (FAO).

II. Activities related to Mongolia's international security and nuclear-weapon-free status

3. As a responsible member of the international community, Mongolia has pursued an active policy within the United Nations and has contributed to promoting the Organization's noble goals. About 16,000 Mongolian peacekeepers have served in various peacekeeping operations. Mongolia has initiated and successfully promoted the adoption by the General Assembly of resolutions on the right of peoples to peace, disarmament week, education for all, cooperatives, rural women, the rights of landlocked developing countries, promoting democratic reform and education for democracy.

4. Mongolia is committed to a nuclear-weapon-free world and has consistently supported efforts by the international community to promote the non-proliferation of nuclear weapons in all its aspects and to achieve nuclear disarmament.

5. Mongolia actively participated in the negotiation of the Treaty on the Prohibition of Nuclear Weapons and voted in favour of its adoption on 7 July 2017. The national process towards ratifying the treaty is under way.

6. As a demonstration of its commitment to maintaining international peace and security, Mongolia declared its territory a single-State nuclear-weapon-free zone in 1992. Since 1998 the General Assembly has considered the issue of Mongolia's nuclear-weapon-free status and has adopted resolutions on the subject every two years.

7. Mongolia celebrated the twenty-fifth anniversary of its nuclear-weapon-free status in 2017. In September 2017 the Secretary-General and the President of Mongolia exchanged congratulatory messages on the occasion.

8. In his message, the Secretary-General expressed his deep appreciation to the Government and people of Mongolia for their achievement in the fields of nuclear

disarmament and non-proliferation. He also applauded Mongolia for its continued efforts to help to lead the way towards a more peaceful and prosperous world.

9. The President of Mongolia, Battulga Khaltmaa, in his message, reassured the Secretary-General that Mongolia was ready to further cooperate with the United Nations and Member States and to implement jointly with the relevant United Nations institutions the provisions of the General Assembly resolutions on strengthening Mongolia's international security by reinforcing its nuclear-weapon-free status.

10. The present report provides an account of activities conducted over the past two years in implementation of Assembly resolution 71/43.

11. Since the previous report, on the implementation of Assembly resolution 69/63 on Mongolia's nuclear-weapon-free status, was submitted in June 2016, the Government of Mongolia has continued its efforts to strengthen its national security by promoting the continued implementation of the resolution at the international and regional levels.

A. Measures taken at the international level

12. The seventeenth Summit Conference of Heads of State or Government of Non-Aligned Countries was held on Margarita Island, Bolivarian Republic of Venezuela, on 17 and 18 September 2016. In their final document the Heads of State or Government expressed support for Mongolia's nuclear-weapon-free status and for the policy and measures pursued by Mongolia to consolidate and strengthen that status.

13. The eighteenth Mid-Term Ministerial Meeting of the Non-Aligned Movement was held in Baku on 5 and 6 April 2018. In their final document the ministers welcomed the twenty-fifth anniversary of the declaration of Mongolia's nuclear-weapon-free status, on 25 September 2017, and commended Mongolia's efforts towards achieving a world free of nuclear weapons.

14. In her statement to the Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons at its first session, which was held in Vienna from 2 to 12 May 2017, the representative of Mongolia noted the twenty-fifth anniversary of Mongolia's nuclear-weapon-free status and emphasized the country's contribution to strengthening its international security and its role in nuclear non-proliferation and confidence-building.

15. In his factual summary of the second session of the Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, which was held in Geneva from 23 April to 4 May 2018, the Chair stated that States parties recognized the continuing contributions that the Antarctic Treaty, the Treaty for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (Treaty of Tlatelolco), the South Pacific Nuclear Free Zone Treaty (Treaty of Rarotonga), the Treaty on the South-East Asia Nuclear Weapon-Free Zone (Bangkok Treaty), the African Nuclear-Weapon-Free Zone Treaty (Pelindaba Treaty) and the Treaty on a Nuclear-Weapon-Free Zone in Central Asia (Semipalatinsk Treaty), and Mongolia's nuclear-weapon-free status in accordance with the parallel declarations adopted by the nuclear-weapon States and Mongolia on 17 September 2012, were making towards attaining the objectives of nuclear disarmament and nuclear non-proliferation.

16. Mongolia participated in, and welcomed the joint ministerial statement issued at, the eighth Ministerial Meeting in support of the Comprehensive Nuclear-Test-Ban Treaty, in 2016, and the final declaration and measures to promote the entry into force of the Treaty adopted by the tenth Conference on Facilitating the Entry into Force of

the Comprehensive Nuclear-Test-Ban Treaty, in 2017. Thus Mongolia seized every opportunity to support and underline the importance of the early entry into the force of the Treaty as a universal and legally binding security assurance to non-nuclear-weapon States.

17. On 3 May 2018, during a panel discussion on cooperation among nuclear-weapon-free zones organized on the sidelines of the second session of the Preparatory Committee for the 2020 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons, Mongolia expressed its readiness to become the point of contact for the fourth Conference of States Parties and Signatories to Treaties that Establish Nuclear-Weapon-Free Zones and Mongolia, as a recognized nuclear-weapon-free State.

B. Measures taken at the regional level

18. Mongolia participated in the regional dialogue and consultation on the Treaty on the Non-Proliferation of Nuclear Weapons, which were held in Jakarta on 13 and 14 March 2017 and on 21 and 22 March 2018, in preparation for the Preparatory Committee sessions held in 2017 and 2018. The representative of the Government of Mongolia noted in his speech the twenty-fifth anniversary of Mongolia's nuclear-weapon-free status and introduced the actions taken by the Government during the last quarter of a century to institutionalize that status.

19. A series of conferences and meetings were organized during the period under review in the context of further promoting the Ulaanbaatar Dialogue on Northeast Asian Security. Thus, on 15 and 16 June 2017 and on 14 and 15 June 2018 Mongolia hosted the fourth and fifth conferences in the series. Whereas the first three conferences had been organized at track 2 level, the most recent two conferences in 2017 and 2018 were held at track 1.5 level. The participants were Government representatives and academics from Canada, China, the Democratic People's Republic of Korea, France, Germany, Japan, Mongolia, the Republic of Korea, the Russian Federation and the United States of America, as well as representatives of various United Nations entities and other relevant international organizations and institutions. The agendas of the conferences included not only north-east Asian security issues but also potential projects in the energy, infrastructure and environmental sectors. Many interesting ideas and views were expressed by the participants on the main topics of the conferences. The presentations offered a range of analyses of the present situation in north-east Asia, its security environment, the strategic interests of relevant countries and prospects for the future. The conferences proved once again that the Ulaanbaatar Dialogue continues to enjoy broad support. For instance, Professor Noboru Miyawaki of Ritsumeikan University stated that the Ulaanbaatar Dialogue was the only setting that covered all the political entities in north-east Asia. Mongolia is the only country in the region that does not have any unresolved issues, either territorial or political, with other regional countries or any other country. The aim of Mongolia is to provide a neutral ground for constructive dialogue and engagement. The Government of Mongolia has expressed its intention to continue its efforts to facilitate a peaceful and comprehensive solution to the outstanding issues in and around the Korean Peninsula and to continue to hold conferences as part of the Ulaanbaatar Dialogue on Northeast Asian Security in the future.

20. In 2017 and 2018 the Mongolian non-governmental organization Blue Banner organized national and regional round-table discussions to contribute ideas on practical ways and means to further institutionalize Mongolia's nuclear-weapon-free status and shared its findings with the Government. The second and third meetings of the Ulaanbaatar Process were held from 14 to 16 November 2016 and on 29 and

30 August 2017. The Ulaanbaatar Process, convened by the Global Partnership for the Prevention of Armed Conflict in Northeast Asia and by Blue Banner, is an effective regional track 2 dialogue on north-east Asian security issues. The second meeting of the Panel on Peace and Security of Northeast Asia was held in Ulaanbaatar on 24 and 25 June 2017 in collaboration with Blue Banner, the Research Centre for Nuclear Weapons Abolition and the Asia-Pacific Leadership Network for Nuclear Non-Proliferation and Disarmament to discuss current topics to enhance the mutual understanding of regional security issues in north-east Asia.

C. Measures taken at the national level

21. On the occasion of the twenty-fifth anniversary of Mongolia's nuclear-weapon-free status, an International Conference on Nuclear Disarmament Issues on the theme "Global and regional aspects" was organized in Ulaanbaatar by the Institute for Strategic Studies and the Mongolian non-governmental organization Blue Banner on 31 August and 1 September 2017. A statement was adopted at the conference declaring that the move to a single-State nuclear-weapon-free zone was an important national measure to ensure the security of Mongolia. The statement noted that it was also a novel international measure to fill a possible grey area in the emerging nuclear-weapon-free world.

22. On 2 May 2017 an academic symposium concerning the twenty-fifth anniversary of the nuclear-weapon-free status of Mongolia was organized by the Mongolian National University and Blue Banner for students and academics. Ideas for practical ways and means to further institutionalize the nuclear-weapon-free status were discussed.

23. With a view to ensuring the effective implementation of Security Council resolution 1540 (2014), in cooperation with the United Nations Regional Centre for Peace and Disarmament and the Organization for Security and Cooperation in Europe (OSCE), experts held a round-table meeting in Ulaanbaatar from 8 to 10 May 2017 on strengthening the implementation of the resolution. Experts from relevant ministries and State agencies took part and discussed the potential development of a voluntary national action plan, as well as the expansion of cooperation with the United Nations, OSCE, other relevant organizations and Member States on the implementation of the resolution. The round-table meeting was followed by the second round of consultations in Vienna from 18 to 20 September 2017. The meeting continued the discussion on the draft voluntary national action plan.

III. Non-nuclear aspects of Mongolia's international security

24. Measures have also been taken to promote non-nuclear aspects of security as they are an integral part of the national security concept of Mongolia.

A. Economic security

25. Mongolia is endowed with mineral resources, a strong potential in agriculture and tourism and a young and dynamic population. Its long-term future is promising but in recent years it has been hit hard by the sharp decline in commodity prices and foreign direct investment. Hence, in the short term, the Government of Mongolia intends to revitalize the economy through implementing policy measures, including the Economic Recovery Programme under the Extended Fund Facility of the International Monetary Fund, to restore economic stability and debt sustainability while protecting those who are most vulnerable.

26. On 7 February 2018 the Government approved its three-pillar development policy as a main component of the national investment programme for the subsequent three years. The Government placed people at the centre of its policy through formulating strategies on a multi-pillar economic development policy, an accountable governance policy that promotes justice, and a human-centred social policy.

27. To enhance regional integration in north-east Asia, Mongolia is actively engaged with its neighbours on transit transportation and infrastructure development. The third tripartite meeting of the Heads of State of China, Mongolia and the Russian Federation was held in Tashkent in June 2016. The three Heads of State signed an agreement on establishing an economic corridor between their countries and agreed to implement 32 projects. In August 2017 they agreed on three priority projects, namely the central railway corridor, the central highway corridor and the energy sector project (electricity transmission line), and they are in the process of setting up a mechanism to coordinate implementation of the projects along the economic corridor. The fourth tripartite meeting of the Heads of State of China, Mongolia and the Russian Federation was held in Qingdao, China, on 11 June 2018.

28. In December 2016 China, Mongolia and the Russian Federation signed the Intergovernmental Agreement on International Road Transport along the Asian Highway Network, marking another major step in trilateral cooperation. On 8 June 2018 Mongolia and the Russian Federation signed an intergovernmental agreement on terms for rail freight transit transport.

29. The Multilateral Agreement for the Establishment of an International Think Tank for Landlocked Developing Countries entered into force on 6 October 2017. Twelve landlocked developing countries, namely Afghanistan, Armenia, Bhutan, Burkina Faso, Ethiopia, Kazakhstan, Kyrgyzstan, the Lao People's Democratic Republic, Mongolia, Nepal, Paraguay and Tajikistan, had ratified the multilateral agreement by May 2018. The International Think Tank, which is based in Ulaanbaatar, works to support landlocked developing countries in tackling persistent and emerging development challenges by providing evidence-based advisory services, sharing knowledge, presenting a portal and digital library of research papers and information on issues of interest to such countries, organizing thematic meetings and workshops, and providing support for collaboration among landlocked developing countries, South-South engagement and global cooperation. The first meeting of the Board of the Governors of the International Think Tank for Landlocked Developing Countries was held in Ulaanbaatar on 21 and 22 May 2018 and the inaugural meeting of the International Think Tank at the ministerial level was held in Ulaanbaatar on 11 and 12 June 2018. The participants of the inaugural meeting discussed a broad range of issues relating to foreign direct investment and the economic diversification of landlocked developing countries, information and communications technology connectivity and landlocked developing countries and the challenges and opportunities of transit transport and trade facilitation for such countries, and adopted the Ulaanbaatar Declaration.

30. The Mongolia-Japan Economic Partnership Agreement entered into force on 7 June 2016. It is the first ever free trade agreement for Mongolia and is expected to promote the liberalization and facilitation of trade and investment between the two countries and to deepen the mutually beneficial economic partnership in a wide range of areas. To improve market access in its main trading partners, Mongolia is studying the feasibility of free trade agreements with the Eurasian Economic Union, China and the Republic of Korea.

31. The Framework Agreement on Partnership and Cooperation between Mongolia and the European Union entered into force on 1 November 2017. The Agreement provides a general framework for promoting bilateral, regional and international

cooperation between Mongolia and the European Union in all areas of cooperation, such as trade, the economy, development aid, agriculture, rural development, energy, climate change, research and innovation, education and culture.

32. The State energy policy adopted in 2015 set an ambitious goal for Mongolia to produce 30 per cent of its energy demand from renewable resources by 2030. Its solar and wind resources are estimated at 7,000 TW and 5,000 TW respectively. With these resources Mongolia essentially has the unlimited potential to export clean energy to countries in the region. Mongolia is working with its partners to implement the Gobi Tech and Asian Super Grid projects to supply renewable energy for north-east Asia. The projects offer countries in the region a wide range of economic, social and environmental benefits, including energy security, job creation and the reduction of carbon dioxide emissions.

33. Promoting the country's economic security and preventing risks and threats associated with growth requires concerted and cooperative actions on the part of the Government of Mongolia, political parties, the business sector, research institutions, non-governmental organizations and the media. To that end, the Mongolia Economic Forum has been held annually since 2010. In addition to hosting policy discussions, the Forum is significant in establishing extensive business networks, cooperation and understanding. The 2018 edition of the Mongolia Economic Forum was held on 21 and 22 May 2018.

B. Human security

34. The national security concept identifies human security as one of the fundamental pillars of Mongolia's national security. Creating a healthy and safe living environment, ensuring food security, guaranteeing security of residence and protecting persons from becoming victims of crime and assault are defined as the basis for ensuring human security.

35. It should be highlighted that, while a relatively new phenomenon in Mongolia, combating human trafficking is becoming a serious issue. According to studies undertaken by the non-governmental organization Gender Equality Centre, over 200 persons become victims of human trafficking annually. Although some measures have been taken in recent years, including the adoption of a national programme and the establishment of relevant systems to monitor its implementation, the number of cases is on the rise. The National Programme to Combat Human Trafficking (2017–2021) was adopted in May 2017. It aims to strengthen implementation of the human trafficking law, prevent the occurrence of human trafficking and protect victims.

36. Food security remains an important issue in Mongolia, not only because of the negative impacts of global climate change and environmental degradation, but also because of its own specific handicaps. Agricultural and food industry policies are formulated within the national development priorities articulated in the 2030 Sustainable Development Vision, the Government action plan for the period 2016–2020, national programmes on food security, livestock and industrialization, the first meat and milk production campaign and the crop cultivation programme. A national forum on food security in Mongolia was hosted in September 2017 by the office of the President and co-organized by the Ministry of Food, Agriculture and Light Industry, the Mongolian Food Producers Association and FAO. The forum resulted in specific recommendations for actions to streamline the existing legal environment, making it more favourable to food producers in accessing long-term soft loans, improving domestic food production, enhancing food safety inspections and controls, and raising knowledge and education among consumers on healthy food consumption. From 11 to 15 June 2018 the eighth Multi-Stakeholder Partnership meeting of the

Global Agenda for Sustainable Livestock was held in Mongolia and organized by FAO. Between 200 and 250 participants from all continents discussed the sustainability of the global livestock sector during the meeting.

37. Mongolia has undertaken systemic legal reforms to protect and promote human rights. In 2017 and 2018 a number of important pieces of legislation entered into force, including revised laws on the elderly and domestic violence, the revised Criminal Code and new laws on benefits for single mothers and fathers with numerous children, youth development and violations.

38. A joint project with the European Union, the first-ever Human Rights Dialogue between Mongolia and the European Union, was held in Ulaanbaatar in March 2017 to identify potential areas for cooperation. As a follow-up to the dialogue, a project financed by the European Proposal Support Fund began in October 2017 to facilitate the implementation of the revised Criminal Code and the core international human rights treaties.

C. Environmental security

39. As a result of climate change, Mongolia has become exposed to multiple environmental challenges, including desertification, drought, land degradation and wild forest fires. Thus, preserving a balanced ecosystem, protecting natural resources, ensuring their appropriate use and rehabilitation and promoting green economic growth are the main goals of the Government action plan for the period 2016–2020.

40. With the support and cooperation of international organizations and bilateral donors, Mongolia has established and expanded its requisite legal framework, ensured compliance with international conventions and agreements and implemented national programmes and projects aimed at addressing the increasing environmental problems.

41. With the support of the United Nations Environment Programme, the United Nations Industrial Development Organization and other international organizations, the Government of Mongolia approved the action plan in January 2016 to implement the green development policy, demonstrating its commitment to developing a sustainable development model and a low carbon economy. Through various projects at the national level, Mongolia has ensured compliance with international legal instruments, including the Montreal Protocol on Substances that Deplete the Ozone Layer and the Stockholm Convention on Persistent Organic Pollutants, marking progress in areas such as the sound management of persistent organic pollutants, which is important in ensuring the environmental security of the country.

42. On 1 September 2016 the parliament of Mongolia ratified the Paris Agreement on Climate Change. Mongolia has developed its intended nationally determined contribution and will work to implement its target of a 14 per cent reduction in greenhouse gas emissions by 2030.

43. At the request of the Government of Mongolia, the environmental performance review for Mongolia, conducted by the Economic Commission for Europe in cooperation with the Economic and Social Commission for Asia and the Pacific, was launched on 22 May 2017. The review evaluated the country's efforts to abate air pollution, improve water management, reduce waste, conserve biodiversity and combat desertification, and also focused on progress in greening the economy, in particular the forestry and health sectors.

44. As a national follow-up to the Sendai Framework for Disaster Risk Reduction 2015–2030, the parliament of Mongolia adopted the revised a law on disaster protection in February 2017, and the mid-term strategy to implement the Sendai Framework was approved by the Government in December 2017. Mongolia hosted

the second Asian Ministerial Conference on Disaster Risk Reduction in Ulaanbaatar from 3 to 6 July 2018 on the theme "Preventing disaster risk: protecting sustainable development". The conference took stock of the implementation of the Sendai Framework over the past three years and charted regional actions on disaster risk reduction in the coming years.

45. The United Nations Development Assistant Framework for the period 2017–2021, signed on 3 June 2016, provides, under its outcome area 1 "Promoting inclusive growth and sustainable management of natural resources", for action aimed at supporting national green economy strategies, promoting clean technologies, reducing environmental risks and poverty in sectors such as agriculture, forestry, mining and industry, protecting ecosystem services and mitigating disaster risks. The project on localizing the Sustainable Development Goals in Ulaanbaatar has been implemented and the road map for the 2030 Sustainable Development Vision in Ulaanbaatar has been prepared.

D. Conclusion

46. The report of the Government of Mongolia on the activities it has undertaken in implementation of General Assembly resolution 71/43 demonstrates once again the country's resolve to fully implement the provisions of the resolution at the national, regional and international levels.

47. As a result of the country's consistent efforts and the support of the international community, the nuclear-weapon-free status of Mongolia today enjoys wide international recognition. Although Mongolia has not been recognized as a nuclear-weapon-free zone, its unique status has been widely recognized as a contribution to nuclear non-proliferation and promoting regional confidence and predictability.

48. For its part, Mongolia has demonstrated its readiness to cooperate with other Member States and relevant United Nations bodies and specialized agencies in strengthening the non-nuclear aspects of its security that would contribute to stability, greater trust and mutually beneficial cooperation in the region and beyond.

IV. Assistance provided by Member States and United Nations entities

49. The present section is based on the information received to date from Morocco, the Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States, IAEA, UNDP and FAO concerning their respective assistance activities during the reporting period.

A. Morocco

[Original: French]
[8 May 2018]

50. Morocco is firmly convinced that the achievement of a world free of nuclear weapons requires efficient United Nations disarmament mechanisms.

51. Morocco, recognizing that peace through disarmament is a global public good, is making every effort to contribute to the achievement of a nuclear-weapon-free world that is less inclined to engage in an arms race at the expense of the vital need to fight poverty, pandemics and environmental degradation.

52. Morocco, a State member of the Non-Aligned Movement, hereby expresses its recognition and full support for the international nuclear-weapon-free status of Mongolia.

B. Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States

[Original: English]
[15 May 2018]

53. Mongolia is a landlocked country with an immense territory of 1.5 million km^2, a population of 3 million people and vast agricultural and mineral resources. As a landlocked developing country, Mongolia suffers from the challenges of isolation from world markets, high trade and transport costs, limited or low-quality infrastructure, delays at borders and bottlenecks related to customs procedures and border crossing regulations, and productivity and structural constraints. The level of development in Mongolia is estimated to be about 15 per cent lower than it would be if it were not landlocked.[1]

54. Economic growth slowed sharply in the period 2014–2016 amid declining exports due to the continued weakening of the commodity market, slower growth in the key export market of China and declining foreign direct investment. Real growth in the gross domestic product (GDP) in 2016 was just 1 per cent. The economy recovered strongly in 2017, growing by 5.1 per cent,[2] buoyed by strong coal exports, a recovery in foreign direct investment and improved business sentiments. The growth outlook remains positive in 2018 and beyond.

55. However, the economy has become increasingly reliant on the mining sector, which accounts for 20 per cent of GDP, twice the ratio a decade ago.[3] The share of primary commodities in exports from Mongolia has risen from 68 per cent in 2000 to 86 per cent in the period 2014–2016.[4] In contrast, manufactured goods accounted for less than 3 per cent of exports in the period 2014–2016. The value-added contribution of the manufacturing sector, which is a key component of industrialization, stood at just 8 per cent in 2016 and has declined dramatically since the early 1990s. This suggests that Mongolia has a very limited capacity to produce and export manufactured goods.

56. As a landlocked country, Mongolia is physically isolated from major world markets and is highly reliant on its two immediate neighbours, China and the Russian Federation. Mongolia's main partner by far for exports is China, which accounted for 79 per cent of total export value in 2016, while China and the Russian Federation together account for 57 per cent of Mongolia's imports.[5]

57. This lack of diversification of exports and markets, a common challenge affecting landlocked developing countries, makes Mongolia more vulnerable to further changes in commodity prices and other external shocks. Mongolia should aim to diversify exports, focusing on higher value-added products and high-productivity

[1] United Nations, Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States, *The Development Economics of Landlockedness: Understanding the development cost of being landlocked*, 2013. Available at http://unohrlls.org/custom-content/uploads/2013/10/Dev-Costs-of-landlockedness.pdf.

[2] The World Bank in Mongolia, Overview, available at http://www.worldbank.org/en/country/mongolia/overview.

[3] Ibid.

[4] UNCTADstat database.

[5] World Integrated Trade Solution database.

sectors and on linking into regional and global value chains in order to integrate into the global trading system.

58. Regional integration is an important element of economic and regional security for Mongolia and there is a correlation between regional security and international security given the country's strategic location. Recent efforts by Mongolia to achieve greater regional integration include signing the country's first ever free trade agreement in 2015, with Japan. Developments are under way to achieve greater cooperation and integration between China, Mongolia and the Russian Federation. The three countries signed a trilateral economic partnership agreement in June 2016, which includes the creation of an economic corridor, and the Intergovernmental Agreement on International Road Transport along the Asian Highway Network in December 2016. The projects to be implemented within the framework of the corridor will be developed in line with the Steppe Route initiative of Mongolia, the Silk Road Economic Belt initiative of China and the Eurasian Economic Union initiative of the Russian Federation.

59. Regional trade integration and the development of regional infrastructure should also be supported by efforts to harmonize and simplify the legal framework on trade, transit and transport and to implement trade facilitation measures. Accession to and ratification and effective implementation of international conventions on transit transport and trade facilitation are key means for landlocked developing countries like Mongolia to reduce transit transport costs and delays and ensure smoother cross-border trade. Mongolia is a party to some of the key conventions, including the International Convention on the Harmonization of Frontier Controls of Goods and the Customs Convention on the International Transport of Goods under Cover of TIR Carnets. In addition, in November 2016 Mongolia ratified the World Trade Organization (WTO) Trade Facilitation Agreement, which has important provisions of relevance to landlocked developing countries, including Mongolia, for ensuring a smoother, cheaper and faster flow of goods across borders.

60. The Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States continues to support Mongolia and other landlocked developing countries by raising international awareness of the needs and challenges of those countries, mobilizing international support for the landlocked developing countries and coordinating the response of the United Nations system. The Office continues to coordinate the monitoring and follow-up of the implementation of the Vienna Programme of Action for Landlocked Developing Countries for the Decade 2014–2024. It supports landlocked developing countries, including Mongolia, in effectively mainstreaming the Vienna Programme of Action into national development strategies and has supported the organization of a national workshop on the mainstreaming of the Vienna Programme of Action for landlocked developing countries, held in Ulaanbaatar on 27 and 28 April 2016. The Office also conducts research and produces knowledge products for the benefit of landlocked developing countries, including Mongolia, on issues such as transit, transport, infrastructure, trade and trade facilitation, and has been undertaking advocacy efforts to promote the ratification of key international trade and transport conventions and the WTO Trade Facilitation Agreement.

61. The Office of the High Representative has continued to provide substantive support for the operationalization of the International Think Tank for Landlocked Developing Countries, which is hosted by the Government of Mongolia in Ulaanbaatar. The Think Tank provides a centre of excellence for high-quality research and policy advice to contribute to the sharing of experiences and the further strengthening of the capacities of landlocked developing countries.

62. The Office of the High Representative actively advocated for the ratification of the Multilateral Agreement for the Establishment of an International Think Tank for Landlocked Developing Countries, which came into force on 6 October 2017 after 10 landlocked developing countries ratified it. The Office has been supporting the interim management of the Think Tank in its full operationalization. The first meeting of the Board of Governors of the Think Tank was held on 21 May 2018 in Ulaanbaatar and its inaugural conference was held in Ulaanbaatar on 11 and 12 June 2018 with the support of the Office.

C. International Atomic Energy Agency

[Original: English]
[3 May 2018]

63. During the reporting period, IAEA continued to support Mongolia in meeting its safeguards obligations and nuclear non-proliferation commitments by providing assistance to enhance the country's State System of Accounting for and Control of Nuclear Materials. Safeguards-related training was provided during the reporting period. In July 2016 Mongolia participated in IAEA-led training sessions such as a regional familiarization workshop on the Safeguards Implementation Practices Guide on Establishing and Maintaining State Safeguards Infrastructure and a regional seminar on safeguards and security. Representatives of Mongolia attended an IAEA regional training course on the responsibilities of States with a small quantities protocol, held in Australia in December 2016.

64. With regard to nuclear safety and security, IAEA worked on the development and implementation of an Integrated Nuclear Security Support Plan to assist Mongolia in applying a structured and holistic approach to nuclear security capacity-building, as well as enabling increased coordination among IAEA, the State itself and potential donors. The Plan, officially approved by Mongolia in September 2015, covers all aspects of nuclear security, including human resources development, border detection and radioactive source security. Under the Plan a national workshop on threat assessment and the design basis threat was held in Ulaanbaatar in August 2017. Furthermore, assistance was provided for the development of a national nuclear security detection capability. Following an expert mission on nuclear security detection to Mongolia in June 2016, IAEA organized a technical visit on detection equipment for Mongolia in Vienna in April 2018, which included the provision of hand-held detection equipment and associated training for Mongolian officials.

65. Mongolia participated in the open-ended meeting of legal and technical experts on implementation of the Code of Conduct on the Safety and Security of Radioactive Sources, held in Vienna from 27 to 29 June 2017.

66. Continuous assistance has also been provided by the technical cooperation programme through training, expert advice and the procurement of equipment and material for the peaceful applications of nuclear science and technology. During the 2016–2017 cycle of the technical cooperation programme, Mongolia implemented projects focused on capacity-building in the areas of animal health and production, radioimmunoassay technology in nuclear medicine, brachytherapy, radiotherapy, radiation safety, groundwater resources management and radioactive waste management.

D. United Nations Development Programme

[Original: English]
[15 May 2018]

67. The UNDP Country Programme for Mongolia for the period 2017–2021, which was approved in 2016, is centred on supporting the implementation of the Sustainable Development Goals and the realization of sustainable human development in Mongolia. The nexus of economic growth, social development and environmental sustainability constitutes the main focus of the programme, with governance as a key enabler. The UNDP programme addresses Goal 1 on eradicating poverty, Goal 10 on reducing inequalities and Goal 16 on promoting inclusive societies. The programme is informed by priorities drawn from the United Nations Development Assistance Framework and is well aligned with the UNDP Strategic Plan.

68. Through the country programme, UNDP supports the implementation of resolution 71/43 by promoting inclusive economic development, strengthening disaster preparedness and supporting environmental and ecological biodiversity.

69. By promoting inclusive growth and helping to build resilience, UNDP supports Mongolia in strengthening economic security at both the national and subnational levels. The following interventions are aimed at supporting the capacity of the Government to address vulnerabilities and persistent poverty through evidence-based policymaking, planning and monitoring:

(a) With UNDP support, the Sustainable Development Goals are being integrated into the country's national policies and plans. UNDP has helped to strengthen institutional capacities to formulate, implement and monitor policies and programmes that take into account the Goals, including on poverty and equity, and to better align short-term (annual) budget planning and mid- and longer-term development objectives. UNDP has further supported the Government in developing macroeconomic models to enhance the Government's capacity for evidence-based policymaking.

(b) UNDP actively supported the operationalization of the International Think Tank for Landlocked Developing Countries. Mongolia, together with other landlocked developing countries, can now call upon an intergovernmental organization to represent its interests and serve as a platform for knowledge and research as well as for pooling resources and expertise. With the ratification of the Multilateral Agreement for the Establishment of an International Think Tank for Landlocked Developing Countries in October 2017, the Think Tank became a fully fledged international organization, headquartered in Mongolia. By hosting its interim secretariat and nurturing its operation through joint projects, UNDP was instrumental in the transition of the Think Tank to a multilateral organ. The Government of Mongolia demonstrated strong ownership and support through resources and political commitments in addition to the technical and operational support provided by UNDP. The Think Tank addresses areas that are critical for the economic security of Mongolia, including international trade, communications and infrastructure. These areas are particularly important in the context of the implementation of the Belt and Road Initiative, on which Mongolia and China are cooperating.

(c) UNDP continued to provide support to local authorities through nationwide training activities for local councillors, knowledge exchanges and best-practice sharing. The role of local authorities has been strengthened to oversee the delivery and quality of basic services and therefore to contribute to economic security and inclusiveness at the subnational and community levels. As the institutional capacities of local councils are strengthened, they proactively work to address new

development dimensions in their jurisdictions, including focusing on more vulnerable groups such as women, disabled people and youth in local decision-making.

70. UNDP also cooperates with the Government of Mongolia in the area of disaster risk management:

(a) In 2017, with UNDP support, the law on disaster management was formally updated, establishing a formal national mechanism for cross-sectoral coordination. A strategy to implement the Sendai Framework for Disaster Risk Reduction was also endorsed by the Cabinet.

(b) With UNDP support, climate change and disaster risk reduction have formally been included in university curricula, contributing to the integration of climate change and resilience in the education system.

(c) To ensure that effective actions are carried out across the country, disaster risk management plans and services were piloted in target soums (districts). Using community-based approaches to disaster risk management, the localized emergency plans have proved effective in providing timely disaster responses. An early-warning mass messaging system is now used nationwide to deliver targeted weather and hazard warnings to herding communities. In 2017 a total of 946,244 people (close to one-third of the population) in all 21 aimags (provinces) benefited from the system by receiving timely hazard warnings during sand, wind and snow storms.

71. In order to maintain an ecological balance, UNDP supports Mongolia through a range of environmental initiatives:

(a) UNDP has significantly contributed to the expansion of the country's local protected area system by working with local governments and communities to agree on and designate local protected areas. Establishing new protected areas has led to a recovery in biodiversity and improved hydrological conditions in target locations. This is demonstrated by the return of endangered species, such as marmots and argali sheep, in target areas.

(b) UNDP continues to support national capacity development for the sustainable use of land, water and forest resources and for enhanced environmental governance. This includes a land degradation offset mechanism in the mining sector and ecosystem-based adaptation support.

E. Food and Agriculture Organization of the United Nations

[Original: English]
[14 May 2018]

72. Over the past decades FAO has supported the Government of Mongolia in developing its food and agriculture policy, strengthening animal health and veterinary services, and providing emergency responses and assistance to drought-affected herder households. Current projects cover disaster risk reduction, the mainstreaming of biodiversity conservation and sustainable forest management, support for integrated livestock-based livelihoods, enhanced food and nutrition security and anticipatory action to mitigate the impact of the recent harsh winter.

73. FAO is dedicated to continuing its assistance to Mongolia in addressing key issues in the food and agriculture sectors, including strengthening veterinary services, combating animal diseases, supporting pasture management and governance of tenure, introducing environmental technologies and establishing food control management systems. The Organization is also addressing the impacts of climate change on livestock and the crop sector and supporting natural resources

management, together with early-warning and early-action systems and emergency preparedness initiatives and responses.

V. Conclusion

74. As described in the present report, Member States and various United Nations departments, agencies, funds and programmes have provided assistance to Mongolia in addressing the developmental, ecological, economic, humanitarian and human security aspects of its international security. The Secretary-General hopes that the assistance provided by the United Nations will further contribute to consolidating the nuclear-weapon-free status of Mongolia and achieving sustainable development and balanced growth.

United Nations A/73/203

General Assembly

Distr.: General
19 July 2018

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Seventy-third session
Items 115 (h) and (i) of the preliminary list*

Appointments to fill vacancies in subsidiary organs and other appointments:

Appointment of the judges of the United Nations Dispute Tribunal

Appointment of the judges of the United Nations Appeals Tribunal

Appointment of judges of the United Nations Appeals Tribunal and of the United Nations Dispute Tribunal

Report of the Internal Justice Council

Summary

The present report outlines the selection exercise undertaken by the Internal Justice Council, in accordance with the mandates of the General Assembly, to identify suitable candidates for two judicial vacancies at the United Nations Dispute Tribunal and three judicial vacancies at the United Nations Appeals Tribunal for the consideration of, and appointment by, the Assembly at its seventy-third session.

* A/73/50.

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I. Introduction

1. Effective 1 July 2009, the General Assembly established a system of administration of justice at the United Nations that addresses employment-related disputes. Pursuant to Assembly resolution 62/228, the system comprises, inter alia, a first-instance United Nations Dispute Tribunal and an appellate-instance United Nations Appeals Tribunal. By the same resolution, the Assembly decided that the judges of the Dispute Tribunal and the Appeals Tribunal should be appointed by the Assembly on the recommendation of the Internal Justice Council. The members of the Council are: Carmen Artigas (Uruguay), external jurist nominated by staff; Frank Eppert (United States of America), representative nominated by management; Samuel Estreicher (United States of America), external expert nominated by management; Jamshid Gaziyev (Uzbekistan), representative nominated by staff; and Yvonne Mokgoro (South Africa), jurist serving as Chair.

2. The current judges of the Appeals Tribunal are: Sabine Knierim, judge and Second Vice-President (Germany); Richard Lussick, judge (Samoa); John Raymond Murphy, judge and President of the Tribunal (South Africa); Dimitrios Raikos, judge and First Vice-President (Greece); Deborah Thomas-Felix, judge (Trinidad and Tobago); and Martha Halfeld Furtado de Mendonça Schmidt, judge (Brazil).

3. On 3 November 2017, Judge Rosalyn Chapman (United States) resigned from her appointment as judge on the Appeals Tribunal. Judge Chapman's position is currently vacant.

4. On 30 June 2019, the term of office of Judge Lussick will expire. Under article 3, paragraph 4, of the statute of the Appeals Tribunal,[1] the Judge is not eligible for reappointment.

5. Also on 30 June 2019, the term of office of Judge Thomas-Felix will expire. Judge Thomas-Felix is serving the remainder of the seven-year term of Judge Jean Courtial (France), who resigned from the Appeals Tribunal effective 31 December 2013. Given that Judge Thomas-Felix has served since 10 December 2014, she will have served more than three years by the end of her term, on 30 June 2019, and thus, under article 3, paragraph 5, of the statute of the Appeals Tribunal,[2] is not eligible for reappointment.

6. Consequently, and in addition to one further vacancy, two vacancies on the Appeals Tribunal will have arisen on 1 July 2019.

7. The current judges of the Dispute Tribunal are: Teresa Maria da Silva Bravo (Portugal), full-time judge based in Geneva; Rowan Downing (Australia), ad litem judge based in Geneva; Memooda Ebrahim-Carstens (Botswana), full-time judge based in New York; Alessandra Greceanu (Romania), ad litem judge based in New York; Alexander W. Hunter, Jr. (United States of America), half-time judge; Nkemdilim Amelia Izuako (Nigeria), ad litem judge and President of the Tribunal, based in Nairobi; Agnieszka Klonowiecka-Milart (Poland), full-time judge based in

[1] Art. 3, para. 4, of the statute of the Appeals Tribunal provides: "A judge of the Appeals Tribunal shall be appointed for one non-renewable term of seven years. As a transitional measure, three of the judges initially appointed, to be determined by drawing of lots, shall serve three years and may be reappointed to the same Appeals Tribunal for a further non-renewable term of seven years. A current or former judge of the Dispute Tribunal shall not be eligible to serve in the Appeals Tribunal".

[2] Art. 3, para. 5, of the statute of the Appeals Tribunal provides: "A judge of the Appeals Tribunal appointed to replace a judge whose term of office has not expired shall hold office for the remainder of his or her predecessor's term and may be reappointed for one non-renewable term of seven years, provided that the unexpired term is less than three years".

Nairobi; and Goolam Hoosen Kader Meeran (United Kingdom of Great Britain and Northern Ireland), half-time judge.

8. On 30 June 2019, the term of office of Judge Ebrahim-Carstens and Judge Meeran (half-time) will expire. Under article 4, paragraph 4, of the statute of the Dispute Tribunal,[3] the two judges are not eligible for reappointment.

9. Consequently, there are two vacancies (one full-time position and one half-time position) on the Dispute Tribunal from 1 July 2019 as follows:

- One full-time judge in New York
- One half-time judge, who would serve for six months each year in one or more of the three locations of the Dispute Tribunal, as assigned by the President of the Tribunal

10. The present report provides the names and curricula vitae of candidates for the vacant positions recommended by the Internal Justice Council for the consideration of the General Assembly, in accordance with the respective statutes of the Tribunals and the relevant resolutions of the Assembly. The report also provides an outline of the selection exercise undertaken by the Council to identify suitable candidates for recommendation for each position. The recommendations of the Council of qualified candidates for existing vacancies bear no prejudice to the ongoing consideration of the Assembly of the future of ad litem positions.

11. The Council expresses its gratitude to the Secretariat, in particular the Office of Administration of Justice, the Office of Human Resources Management and the Executive Office of the Secretary-General for the outstanding administrative support that it has provided to the Council in the recruitment process. The Council would also like to thank the International Residual Mechanism for Criminal Tribunals, The Hague branch, for its on-site support and for making its facilities available to the Council.

II. Background

12. In paragraph 45 of its resolution 65/251, the General Assembly established the procedure to be followed to identify suitable candidates for presentation to the Assembly. The Assembly requested the Secretary-General, in order to attract a pool of outstanding candidates reflecting appropriate language and geographical diversity, diverse legal systems and gender balance, to advertise Tribunal vacancies widely in appropriate journals in English and French, and to disseminate information relating to the judicial vacancies to Chief Justices and to relevant associations, such as judges' professional associations, if possible, before the vacancies arise.

13. On 2 February 2018, the official vacancy announcement was prepared by the Internal Justice Council and posted on the website of the Office of Administration of Justice in both English and French.

14. Advertisements for the vacancies were placed in an online edition of *The Economist*, in print and online editions of *Jeune Afrique*, on the professional networking website LinkedIn and on the media platform Devex. In the

[3] Art. 4, para. 4, of the statute of the Dispute Tribunal provides: "A judge of the Dispute Tribunal shall be appointed for one non-renewable term of seven years. As a transitional measure, two of the judges (one full-time judge and one half-time judge) initially appointed, to be determined by drawing of lots, shall serve three years and may be reappointed to the same Dispute Tribunal for a further non-renewable term of seven years. A current or former judge of the United Nations Appeals Tribunal shall not be eligible to serve in the Dispute Tribunal".

advertisements, readers were referred to the United Nations vacancy announcement on the Office of Administration of Justice website.

15. The vacancy announcement was also attached to a note verbale addressed to all permanent missions to the United Nations. In the note verbale, permanent missions were invited to bring the vacancy announcement to the attention of qualified nationals, and to the chief justice or head of the judiciary, of their country.

16. The official vacancy announcement was also widely circulated, including to more than 600 judicial and judges' associations, including national and international associations of women judges, ministries of justice, international organizations and institutions and international courts and tribunals.

17. The closing date for the applications was initially 31 March 2018. The Council subsequently decided to extend the application deadline to 21 April 2018 with a view to providing further opportunity to receive applications. The vacancy announcement was accordingly amended, and permanent missions to the United Nations were informed of the extended deadline through a note verbale. The text of the vacancy announcement in English is included in annex I to the present report.

18. The Council received in total 182 applications from 55 countries and from all six regions of the world. Of the applicants, 99 were male and 83 were female.

19. Most applicants expressed a preference or restriction with regard to the tribunal on which they were prepared to serve or the type of appointment (full-time or half-time). Many were not able to accept half-time appointments to the Dispute Tribunal. The Council respected such limitations.

20. The Council reviewed each application and writing sample provided by the applicants. Applications that did not meet the eligibility requirements of the respective statutes of the Dispute Tribunal or the Appeals Tribunal, as set out in the vacancy announcement, were excluded from further consideration, with no exceptions.

21. After having reviewed all the applications, the Council invited 53 candidates to take a common written assessment, in English or French, according to the candidate's choice, to test their legal expertise and drafting ability.

22. The Council had previously prepared the written assessment and relevant background materials, consisting of extracts from the Staff Regulations and Rules of the United Nations, the Secretary-General's bulletin and two administrative instructions, and agreed on a common standard of assessment that would be applied to all candidates.

23. The written assessment and background materials were sent to the candidates by email on 11 and 12 May 2018, according to the candidate's choice. The candidates were given three hours from the time of opening the email to complete the examination and submit their answers. The Office of Administration of Justice provided all the completed and received examinations to each member of the Council for review and marking, after having eliminated all identifying elements in the examinations so that no Council member would know the name, nationality, gender or other identifying information about the candidate.

24. On the basis of the written assessment, the Council selected 16 applicants to be interviewed for the five vacant positions. Many of the candidates applied for positions on both Tribunals. To be selected for the interview, candidates had to display in their written assessments the writing skills and strength of legal analysis necessary for them to serve as excellent judges on the Tribunals.

25. As had been done in the previous rounds of judicial appointments, the Council approached the relevant national bar or judicial associations for confirmation of the integrity of each recommended candidate. Written references were also requested of each candidate.

26. The candidates who had passed the written assessment were interviewed on the premises of the International Residual Mechanism for Criminal Tribunals, The Hague branch, between 25 and 28 June 2018.

III. Selection process

A. Mandates of the General Assembly

27. In paragraph 37 (b) of its resolution 62/228, the General Assembly decided that the Council should provide its views and recommendations to the Assembly on two or three candidates for each vacancy in the Dispute Tribunal and the Appeals Tribunal, with due regard to geographical distribution.

28. In paragraph 57 of its resolution 63/253, the General Assembly decided that the Council should not recommend more than one candidate from any one Member State for a judgeship on the Dispute Tribunal, or more than one candidate from any one Member State for a judgeship on the Appeals Tribunal.

B. Eligibility criteria

29. The statutes of the Dispute Tribunal and of the Appeals Tribunal, adopted by the General Assembly in its resolution 63/253 and further amended in subsequent resolutions, provide for eligibility criteria for the respective judgeships.

30. Article 4 of the statute of the Dispute Tribunal provides in relevant part as follows:

> 2. The judges shall be appointed by the General Assembly on the recommendation of the Internal Justice Council in accordance with Assembly resolution 62/228. No two judges shall be of the same nationality. Due regard shall be given to geographical distribution and gender balance.
>
> 3. To be eligible for appointment as a judge, a person shall:
>
> (a) Be of high moral character and impartial;
>
> (b) Possess at least 10 years of judicial experience in the field of administrative law, or the equivalent within one or more national jurisdictions;
>
> (c) Be fluent, both orally and in writing, in English or French.
>
> 4. A judge of the Dispute Tribunal shall be appointed for one non-renewable term of seven years. As a transitional measure, two of the judges (one full-time judge and one half-time judge) initially appointed, to be determined by drawing of lots, shall serve three years and may be reappointed to the same Dispute Tribunal for a further non-renewable term of seven years. A current or former judge of the United Nations Appeals Tribunal shall not be eligible to serve in the Dispute Tribunal.

31. Article 3 of the statute of the Appeals Tribunal provides in relevant part as follows:

> 2. The judges shall be appointed by the General Assembly on the recommendation of the Internal Justice Council in accordance with General

Assembly resolution 62/228. No two judges shall be of the same nationality. Due regard shall be given to geographical distribution and gender balance.

3. To be eligible for appointment as a judge, a person shall:

(a) Be of high moral character and impartial;

(b) Possess at least 15 years of aggregate judicial experience in the field of administrative law, employment law or the equivalent within one or more national or international jurisdictions. Relevant academic experience, when combined with practical experience in arbitration or the equivalent, may be taken into account towards 5 of the qualifying 15 years;

(c) Be fluent, both orally and in writing, in at least one of the working languages of the Appeals Tribunal.

4. A judge of the Appeals Tribunal shall be appointed for one non-renewable term of seven years. As a transitional measure, three of the judges initially appointed, to be determined by drawing of lots, shall serve three years and may be reappointed to the same Appeals Tribunal for a further non-renewable term of seven years. A current or former judge of the Dispute Tribunal shall not be eligible to serve in the Appeals Tribunal.

32. As indicated in paragraph 3 above, there is currently a vacancy on the bench of the United Nations Appeals Tribunal as a result of the resignation of Judge Chapman. The Council does not recommend that the General Assembly immediately appoint a judge to complete Judge Chapman's term, which will expire on 30 June 2019. The reason is that the appointee would only be eligible to serve until that date and, while eligible for reappointment under article 4, paragraph 5, of the statute of the Dispute Tribunal, would have to apply for reappointment. Instead, the Council recommends that the Assembly appoint a judge to fill the vacancy created by the expiration of Judge Chapman's term, effective 1 July 2019, for the full period of a seven-year term. The President of the Appeals Tribunal has indicated to the Council that the Tribunal can manage its current workload of cases if the vacancy is not filled immediately. In making its recommendation, the Council also took into account that the proposed way forward would avoid the necessity for, and the expense of, another judicial recruitment exercise.

C. Conclusion and recommendations

33. In the light of the above-mentioned mandates, eligibility criteria and results of the selection exercise, including the written assessment and the interview process, the Council recommends a total of five candidates for the three vacancies at the Appeals Tribunal, and two for each vacant position at the Dispute Tribunal. No recommended candidate is of the same nationality as that of a sitting judge scheduled to serve from 1 July 2019 on the particular Tribunal. The names of the candidates are provided in section IV below and their curricula vitae are set out in annexes II and III.[4]

[4] The curricula vitae as presented by the candidates in the prescribed application form are available from the Office of Administration of Justice.

IV. Recommended candidates

A. Recommendations for the three vacancies in the United Nations Appeals Tribunal

34. In its resolution 62/228, the General Assembly decided that the Internal Justice Council should provide it with its views and recommendations on two or three candidates for each judicial vacancy in the United Nations Dispute Tribunal and the United Nations Appeals Tribunal. After an extensive and rigorous recruitment exercise, the Council strictly applied due diligence in vetting and reviewing candidates against the requirements established by the Assembly. As a result, the Council determined that only five of the final applicants had fully met eligibility standards and were thus suitable to be recommended to the Assembly for its consideration.

35. For the three vacant positions in the Appeals Tribunal, the Council recommends the following candidates: Graeme Colgan (New Zealand), Gary Donahoe (United States of America), Cécile Isidoro (France), Jean-François Neven (Belgium) and Kanwaldeep Sandhu (Canada and India).

B. Recommendations for the full-time vacancy in the United Nations Dispute Tribunal

36. For the vacant full-time position in the Dispute Tribunal, the Council strongly recommends Joëlle Adda (France) and considers Ole Jan van Leeuwen (Netherlands) to be equally qualified for the position.

C. Recommendations for the half-time vacancy in the United Nations Dispute Tribunal

37. For the vacant half-time position in the Dispute Tribunal, the Council strongly recommends Angela Henke (Germany) and considers Francesco Buffa (Italy) to be equally qualified for the position.

(*Signed*) Yvonne **Mokgoro**

(*Signed*) Carmen **Artigas**

(*Signed*) Samuel **Estreicher**

(*Signed*) Frank **Eppert**

(*Signed*) Jamshid **Gaziyev**

Annex I

Official vacancy announcement for the vacant positions in the Tribunals

United Nations

Judges of the United Nations internal justice system

The United Nations is seeking judges for its internal system of administration of justice that addresses employment-related disputes.

The internal justice system includes a first instance United Nations Dispute Tribunal (UNDT) and an appellate instance United Nations Appeals Tribunal (UNAT).

The UNDT sits in New York, Geneva and Nairobi and is comprised of three full-time judges, two half-time judges and three ad litem judges. The full-time and half-time judges serve for seven-year terms.

The UNAT is comprised of seven judges, who also serve for a fixed seven-year term. UNAT currently holds three sessions each year, each of two weeks duration. During its sessions, UNAT exercises its functions in New York but it may decide to hold sessions in Geneva, Nairobi or another duty station, as required by its caseload.

The terms of four judges (one full-time judge and one half-time judge of the UNDT and two judges of the UNAT) will expire on 30 June 2019. There is an additional vacancy on the UNAT due to the resignation of incumbent judge.

The United Nations is undertaking the present selection process to fill these five vacancies. In particular, the United Nations is inviting applications for:

- One full-time judge for the UNDT in New York (for a non-renewable seven-year term starting on 1 July 2019)
- One half-time judge for the UNDT (who serves for six months of a year in one of the three locations of the UNDT — New York, Geneva and Nairobi, as assigned by the President) (for a non-renewable seven-year term starting on 1 July 2019)
- Three judges for the UNAT (two judges for a non-renewable seven-year term starting on 1 July 2019 and one judge for a term of office ending on 30 June 2019, with a possibility of re-appointment for one non-renewable term of seven years)

Mandatory qualifications for judges of the UNDT

1. All persons applying to serve as a judge of the UNDT must be of high moral character and impartial.

2. Candidates must have at least 10 years of judicial experience (i.e. experience as a judge or equivalent) in the field of administrative law, or the equivalent (e.g., employment law) within one or more national jurisdictions.

3. English and French are the working languages of the United Nations. All candidates must be fluent, both orally and in writing, in English or French in order to conduct judicial proceedings and draft decisions in either of the two languages.

A current or former judge of UNAT is ineligible to serve in the UNDT.

Mandatory qualifications for judges of UNAT

1. All persons applying to serve as a judge of UNAT must be of high moral character and impartial.

2. Candidates must have at least 15 years of aggregate judicial experience (i.e., experience as a judge or equivalent) in the field of administrative law, employment law, or the equivalent within one or more national or international jurisdictions. Relevant academic experience, when combined with practical experience in arbitration or the equivalent, may be taken into account towards five of the qualifying 15 years.

3. English and French are the working languages of the United Nations. All candidates must be fluent, both orally and in writing, in English or French in order to conduct judicial proceedings and draft decisions in either of the two languages.

A current or former judge of the UNDT is ineligible to serve in UNAT.

Applications

Interested candidates are invited to apply by completing the prescribed application form in either English or French, available at http://www.un.org/en/oaj/unjs/docs/JudicialApplFormEN.doc (in English) and http://www.un.org/en/oaj/unjs/docs/JudicialApplFormFR.doc (in French), and sending the completed form by email to internaljusticecouncil-application@un.org to be received by 11:59 p.m. (U.S. Eastern Daylight Time on 21 April 2018.

Candidates must also provide an example of a judgment he or she drafted and delivered, or a legal opinion or other equivalent written work (translated into English or French if the original is in another language). The example should not exceed 20 pages (if the example is longer, an excerpt no longer than 20 pages shall be provided).

Candidates who do not meet the mandatory qualifications set out above or who do not apply using the prescribed form will not be considered. The form must be completed electronically (handwritten forms will not be accepted).

Eligible persons may apply to both the UNDT and UNAT through one application form.

Candidates under serious consideration for selection will be subject to reference checks to verify the information provided in the application, required to prepare a draft opinion based on a hypothetical fact pattern, and will be interviewed by the Council.

Applications from women are strongly encouraged.

Remuneration package and additional information

As per General Assembly resolution 63/253, the UNDT judges are remunerated at a level equivalent to D-2, step IV, on the United Nations salary scale for the Professional and higher categories. (For indicative purposes, the annual net salary levels at D-2, step IV, including post adjustment, in effect as from 1 January 2018 are as follows: $188,594 (New York), $199,486 (Geneva) and $149,270 (Nairobi)). Other benefits and entitlements of the UNDT judges include: annual leave, dependency allowances, medical and dental insurance, rental subsidy, education grant for children, home leave, paid sick leave; maternity/paternity/adoption leave.

UNAT judges receive an honorarium of $2,400 for each judgment for the principal author, and $600 for each judge signatory. The adjudication of interlocutory motions

by a single judge is remunerated at the rate of $600. The United Nations also covers travel expenses and daily subsistence allowance for the duration of UNAT sessions.

The qualifications and terms of judicial office of the judges and the articles governing the operation of the Tribunals are set out in the Statutes of the UNDT and UNAT available at www.un.org/en/oaj (in English) and www.un.org/fr/oaj (in French).

A judge of the UNDT or UNAT shall not be eligible for any other appointment within the United Nations, except another judicial post, for a period of five years following his or her term of office.

The judges shall be appointed by the General Assembly from a list of two or three candidates recommended for each vacancy by the Internal Justice Council (IJC), an independent body established by the General Assembly. The IJC will also create a roster of candidates who, while they are not submitted to the General Assembly for appointment, will be eligible for nomination in case an unanticipated vacancy occurs (e.g., through resignation) among the full-time, half-time or ad litem UNDT judges or UNAT judges.

Due to the sheer volume of expected applications, the Council will not be in a position to respond to any enquiries regarding the selection process, and will further contact only those applicants who will have moved forward in the selection process.

More information on the system of administration of justice can be found at www.un.org/en/oaj (in English) or www.un.org/fr/oaj (in French).

Annex II

Curricula vitae of candidates recommended for the three vacant judicial positions in the United Nations Appeals Tribunal (in alphabetical order)*

Graeme Colgan (New Zealand)

Date of birth	14 July 1953
Present position	Barrister and Employment Law Specialist
Education (degrees)	
1975	Bachelor of Laws (with Honours), University of Auckland
Professional experience	
2017–present	Barrister and Employment Law Specialist (self-employed)
1989–2017	Judge of the Employment Court (both first instance or trial, and appellate courts); Chief Judge from 2005–2017
1987–1989	Barrister (self-employed)
1981–1987	Barrister and Solicitor, Haigh Lyon & Co
1976–1980	Barrister and Solicitor, Haigh Lyon & Co
Publications	Several academic publications
Associations	Professional Complaints Committee of the Association of Mediators and Arbitrators of New Zealand;
	New Zealand Football Appeals Committee;
	Auckland District Law Society;
	New Zealand Law Society;
	New Zealand bar Association;
	New Zealand Labour Law Association;
	Legal research Foundation;
	Australian Labour Law Association;
	Association of Workplace Investigators (Australasia);
	Association of Mediators and Arbitrators of New Zealand (Associate Member);
	Employment Law Institute of New Zealand (Life Member);
	LAWASIA (Employment Law Committee)
Languages	English (native)

* Curricula vitae are issued without formal editing.

Gary Donahoe (United States of America)

Date of birth	10 August 1948
Present position	Retired; on-call Superior Court Judge
Education (degrees)	
1979	Juris Doctorate, University of Arizona
1972	Master of Science, University of Arizona
1970	Bachelor of Arts, University of Arizona
Professional experience	
2000–2011	Judge of Arizona Superior Court (awards: the Phoenix Chapter of the American Board of Trial Advocates "Judge of the Year" (2004); the State Bar of Arizona's "Award of Special Merit" (2007); "Judicial Award of Excellence" from the Public Lawyers' Section of the State Bar of Arizona (2008.; the Arizona Association for Justice's "Judicial Integrity Award" (2012); contemporaneous positions: chairperson of the State Bar Criminal Jury Instruction Committee (2005–2010); Rule 32 (Post-Conviction Relief) Management Unit Judge (2008–2011); the Criminal Department Presiding Judge (2009–2010); and the Probate Department Associate Presiding Judge (2010–2011))
1990–2018	(part-time) Faculty for Arizona Judicial College's programs including New Judge Orientation, Arizona Probation Officer Certification Academy and Civil Traffic Hearing Officer Training
1989–2000	Court Commissioner/Judge Pro Tem, Maricopa County
1979–1989	Attorney (Partner), Robbins & Green P.C.
1973–1976	Director of Planning, Northern Arizona Council of Governments
Publications	Arizona Civil Remedies (4th Ed.) (contributor); Arizona Eviction Action Primer (16 editions); Arizona Provisional Remedies Primer (co-author)
Associations	State Bar of Arizona (judicial member); City of Scottsdale Board of Adjustment (Vice-Chair)
Languages	English (native)

Cécile Isidoro (France)

[Original: English/French]

Date of birth	17 November 1971
Present position	Judge, Council of State
Education (degrees)	
2002	Ph.D. in Law, University of Paris II Panthéon-Assas
1995	Master of Laws, University of Paris II Panthéon-Assas
1995	Graduate of the Institute of the Paris Institute of Political Studies
1994	Bachelor of Laws, University of Paris II Panthéon-Assas
Professional experience	
2009–present	Judge, Council of State
2006–2009	Judge, Administrative Court of Appeal of Paris
2004–2006	Judge, Administrative Court of Paris
2001–2004	Jurist, Directorate of Legal Affairs, Ministry of Foreign Affairs
1998–2001	Judge, Administrative Court of Paris
Publications	*L'ouverture du marché de l'électricité à la concurrence communautaire et sa mise en œuvre en France, en Allemagne, en Italie et au Royaume-Uni*, LGDJ, 2006;
	La Constitution de la République française, collective work (editing of commentary on two articles of the Constitution), *Economica, 2009*
Languages	French (native);
	English (fluent)

Jean-François Neven (Belgium)

[Original: English/French]

Date of birth	29 September 1962
Present position	President of the Chamber, Employment Court of Appeal (Brussels)
Education (degrees)	
1986	Master of Laws, Free University of Brussels
1985	Bachelor of Laws, Catholic University of Louvain
Professional experience	
2017–present	President of the Chamber, Employment Court of Appeal (Brussels)
2017–2018	(part-time) Lecturer, Free University of Brussels
2013–2018	(part-time) President, Administrative commission on employment
2009–2014	(part-time) Magistrate, Document centre of the Court of Cassation
2008–2017	Judge, Employment Court of Appeal (Brussels)
2007–2018	(part-time) Lecturer, Catholic University of Louvain
2002–2008	Judge, Employment Court of Brussels
1997–2003	(part-time) Lecturer, Saint-Louis Higher Institute of Business
1995–2002	(part-time) Speaker, Solvay Business School
	1987–2002 Attorney, Brussels Bar
Publications	La Charte sociale européenne et son application aux étrangers en séjour irrégulier, with J. MARTENS, in *Charte sociale européenne, Droits sociaux et droits fondamentaux au travail*, S. van DROOGHENBROECK, F. DORSSEMONT, G. VAN LIMBERGHEN (eds.), La Charte, Association belge pour le droit du travail et de la sécurité sociale, 2016, pp. 149–171;
	Piquets de grève : les suites de la décision du Comité européen des Droits sociaux du 13 septembre 2011, in *Droit de grève : actualités et questions choisies*, F. KRENC (ed.), Larcier, Jeune Barreau de Bruxelles, 2015, pp. 35–58;
	La consolidation du devoir d'assistance des Etats envers les mineurs étrangers en séjour irrégulier, with J. MARTENS, R.T.D.H., 2014, pp. 167–194
	Le droit anti-discrimination, facteur d'évolution du droit du travail, in *Les droits de l'homme au quotidien,* Jeune barreau de Mons, Anthémis, 2014, pp. 9–27;

Le droit européen de la non-discrimination : un impact décisif en faveur d'une obligation généralisée de reclassement professionnel ?, in *Le maintien au travail de travailleurs devenus partiellement inaptes*, Anthémis, 2013, pp. 35–60;

La charge du fardeau de la preuve en matière de harcèlement et de discrimination, with S. GILSON and F. LAMBINET, R.D.S. 2013, pp. 397–452;

Les piquets de grève, la procédure sur requête unilatérale et les pouvoirs du juge des référés après la décision du Comité européen des Droits sociaux du 13 septembre 2011, R.D.S., 2012, pp. 389–428;

Cumul des sanctions administrative et pénale en matière de chômage : la Cour de cassation ignore-t-elle la jurisprudence de Strasbourg sur l'identité d'infraction ?, with H. MORMONT, *J.T.*, 2011, pp. 651–655;

Les principes généraux : les dispositions internationales et constitutionnelles, in *Vie privée du travailleur et prérogatives patronales,* J.-Fr. LECLERCQ (ed.), Brussels, Jeune Barreau, 2005, pp. 15–53;

Allocations familiales : les enjeux du transfert, à mi-parcours, in *L'impact de la sixième réforme de l'Etat sur la sécurité sociale et le marché du travail : regards de juristes,* D. Dumont (ed.), with V. FLOHIMONT, R.B.S.S., 2015/2, pp. 227–264;

Réparation selon le droit commun des fautes des institutions de sécurité sociale, in *Regards croisés sur la sécurité sociale*, Commission Université-Palais, Anthémis, 2012, pp. 247–275;

Les pouvoirs du juge dans le contentieux de la sécurité sociale, with H. MORMONT in *Le contentieux de la sécurité sociale*, Anthémis, 2012, pp. 417–458;

Les droits à la sécurité sociale, à l'aide sociale, médicale et juridique, with E. DERMINE, S. PALATE and S. GILSON, in *Les droits constitutionnels en Belgique,* M. VERDUSSEN and N. BONBLED (eds.), Brussels, Bruylant, 2011, pp. 1292–1351;

Aspects sociaux des subventions et subventions en droit social, with M. OSWALD and S. PALATE, in *Les subventions*, D. RENDERS (ed.), Brussels, Larcier, 2011, pp. 497–606;

Commentaire d'arrêts de la Cour Constitutionnelle, in *Les grands arrêts de la Cour Constitutionnelle en droit social,* Ch.-E. CLESSE (coord.), Brussels, Larcier, 2010;

Principes de bonne administration et responsabilités de l'O.N.S.S., with D. DE ROY, in *La sécurité sociale des travailleurs salariés. Assujettissement, cotisations, sanctions*, J.-Fr. NEVEN and S. GILSON (coord.), Brussels, Larcier, 2010, pp. 507–564;

La loi « statut unique » et les mesures d'accompagnement. Une vraie réforme du droit du congé, un pas vers la fin de la distinction des régimes « ouvriers » v. « employés », with P.-P. van GEHUCHTEN, J.T., 2015, pp. 309–322;

Harmonisation des statuts entre ouvriers et employés. La période oubliée (du 9 juillet au 31 décembre 2013), in *L'harmonisation des statuts entre ouvriers et employés*, F. KEFER (ed.), AJPDS – CLJB Liège, Anthémis, 2014, pp. 411–432;

A la recherche d'une méthode efficace de participation financière des travailleurs in *Quelques propos sur la rupture du contrat de travail. Hommage à Pierre Blondiau*, S. GILSON (coord.), Louvain-la-Neuve, Anthémis, 2008, pp. 337–381;

Le contrôle de légalité des conventions collectives de travail, with P. JOASSART, in *Les 40 ans de la loi du 5 décembre 1968 sur les conventions collectives de travail*, J-Ph. CORDIER (coord.), Brussels, Bruylant, 2008, pp. 63–106

Associations

L'Association belge pour le droit du travail et de la sécurité sociale (ABETRASS; founding member);

Academic Network on the European Social Charter and Social Rights (ANESC; member);

Support committee for the case-law project of the Service for the Prevention of Poverty, Insecurity and Social Exclusion (public body responsible for evaluating the enjoyment of fundamental rights by socioeconomically disadvantaged persons); member of the editorial board of Revue de Droit Social (RDS/TSR) (la Charte publisher; member);

Chroniques de droit social, editorial board (Editions Kluwer; member);

Website www.justice-en-ligne.be (author and member)

Languages

French (native);

English (good)

Kanwaldeep Sandhu (Canada and India)

Date of birth	26 November 1965
Present position	Chair/Chief Executive Officer, Province of British Columbia, Ministry of Attorney General, Property Assessment Appeal Board
Education (degrees)	
1989	Bachelor of Laws, University of British Columbia School of Law
1986	Bachelor of Arts (Political Science), University of British Columbia
Professional experience	
2015–present	Chair/Chief Executive Officer, Province of British Columbia, Ministry of Attorney General, Property Assessment Appeal Board
2011–present	(part-time) Instructor, British Columbia Council of Administrative Tribunals
2007–present	(part-time) Vice-Chair, Province of British Columbia, Surface Rights Board
2001–2015	Vice-Chair, Province of British Columbia, Property Assessment Appeal Board
1999–2000	Counsel, Adult Guardianship Division, Public Guardian & Trustee of British Columbia
1997–1999	(part-time) Chairperson, Government of Canada Board of Referees, Employment Insurance Appeals now under the new Social Security Tribunal of Canada
1994–1997	Partner, Sandhu & Co
1993–1994	Counsel, Insurance Corporation of British Columbia
Publications	"The Use of Technology at the Property Assessment Appeal Board of B.C.", CCAT-BCCAT Symposium, "On the Edge of Sea and Sky", May 2017; "Practical Issues Before the Property Assessment Appeal Board: The Board's Perspective", CLE, Real Property Assessment & Taxation Course, May 2017
Associations	
1990	Called to the Bar of the Province of British Columbia (currently a non-practising member of the Law Society of B.C.); Circle of Chairs an organization of all chairs of administrative tribunals in British Columbia (Vice-Chair); British Columbia Council of Administrative Tribunals (BCCAT) (President 2010–2012, prior to which Secretary and Director; Chair of the 2009, 2010 and 2011 Educational Conferences for BCCAT; Member of

committee for development of AdminLaw.bc.ca website; Editor of BCCAT Newsletter 2005–2009)

Recipient of BCCAT's Award for Exceptional Service to the Administrative Tribunal Community in B.C.

Languages English (native)

Annex III

Curricula vitae of candidates recommended for the vacant judicial positions in the United Nations Dispute Tribunal*

A. Curricula vitae of candidates recommended for the vacant full-time judicial position in the United Nations Dispute Tribunal

Joëlle Adda (France)

[Original: English/French]

Date of birth	2 May 1953
Present position	President of the National Court of Asylum
Education (degrees)	
2008	Institute of Higher National Defence Studies
1989	French National School of Administration (ENA)
1978	Teacher's diploma in history and geography
1974	Masters of Arts (History; summa cum laude)
Professional experience	
2017–present	President of the National Court of Asylum
2017	(part-time) Visiting professor, University of Iowa College of Law
2014–2017	President of the Administrative Court in Lille
2013–2014	Presiding judge of the Fifth Chamber of the Administrative Court of Appeal in Paris
2010–2013	Legal Director of *Société du Grand Paris*
2009–2010	Deputy presiding judge of the Second Chamber of the Administrative Court of Appeal in Paris
2009–2010	(part-time) Professor of administrative law, French National School of Administration (ENA)
2005–2009	Head of the legal department of the *Autorité de régulation des communications électroniques et des Postes*
2002–2005	Judge of the Administrative Court of Appeal in Paris
2000–2002	National expert on special assignment at the European Commission's legal service
1989–2000	(part-time) Lecturer in administrative law, University of Paris II
1996–2000	Judge of the Administrative Court of Appeal in Paris
1995–1997	(part-time) Lecturer in administrative law, the Paris Institute of Political Studies
1994–1996	Judge of the Court of Audit

* Curricula vitae are issued without formal editing.

1989–1994	Judge of the Administrative County Court in Versailles
Publications	Numerous articles in the journal *Concurrences (chronique « Régulation »);*
	Numerous legal articles in *« la lettre de l'Autorité »;*
	Les pouvoirs de police du Maire, Berger Levrault;
	Code électoral commenté, Berger Levrault;
	Numerous articles on the Mediterranean region in the journal *« Politique étrangère »*
Associations	Association Française des femmes jurists;
	Société de législation compare;
	Association des juges de l'asile;
	Association des juristes Européens
Languages	French (native);
	English (fluent)

Ole Jan van Leeuwen (Netherlands)

Date of birth	1 May 1960
Present position	Senior Judge (Vice-President), Cantonal Judge in the Amsterdam District Court, civil law department and cantonal court
Education (degrees)	
1984	Master of Laws, University of Utrecht
Professional experience	
2006–present	Senior Judge (Vice-President), Cantonal Judge in the Amsterdam District Court, civil law department and cantonal court
2008–present	(part-time) President/Chairperson (since 2015; Judicial Member 2010–2015), Disciplinary Court for the Public Notaries
2013–present	(part-time) member of the Recusal Chamber of the Amsterdam District Court
2015–present	(part-time) Core team member of the project team for improvement of the governance and efficiency of the judiciary in Bosnia and Herzegovina, Amsterdam District Court in cooperation with Netherlands Council for the Judiciary and the Norwegian council
2000–2006	Attorney, Loyens & Loeff attorneys
1996–2000	Legal Counsel, PricewaterhouseCoopers
1991–1996	Attorney, Van Mens & Wisselink (presently Taxand Netherlands)
1986–1990	Attorney, Stibbe
1985–1986	Legal Assistant to the court-martial, Dutch Ministry of Defence
Associations	Dutch Association for the Judiciary
Languages	Dutch (native); English (fluent); French (good); German (fluent); Italian (good)

B. Curricula vitae of candidates recommended for the vacant half-time position in the United Nations Dispute Tribunal

Angela Henke (Germany)

Date of birth	3 February 1978
Present position	Judge, Lower-Saxonian Administrative Court of Appeal
Education (degrees)	
2005	Second State Examination in Law, Germany
2004	Ph.D. in Law, Westfaelische Wilhelms-Universitaet Muenster
2003	New York Bar Examination
2003	Master of Laws, University of Virginia School of Law
2002	First State Examination in Law, Germany
2000	Certificate in European and Public International Law Studies, Radboud Universiteit Nijmegen
1999	Linguistic-judicial examination in Anglo-American Law, Westfaelische Wilhelms-Universitaet Muenster
Professional experience	
2010–present	Judge, Lower-Saxonian Administrative Court of Appeal
2008–2010	Judicial Clerk to Justice, Federal Constitutional Court
2007–2008	Judge, Cloppenburg County
2006–2007	Judge, Oldenburg Administrative Court
2003–2005	Judicial Preparation Service (including a working experience at the European Court of Human Rights in 2005)
2004	Interpreter (English-German), Federal Office for Migration and Refugees
1998–1999	Intern (Ministry of State, Office of European and Public International Law, Paris in 1999; Duncan Grehan & Partners Attorneys at Law, Dublin in 1998; Kassel Circuit Court in 1998)
1998	Assistant to Law Professor, Westfaelische Wilhelms-Universitaet Muenster
1997	Au pair, United Kingdom
Publications	Henke, in: Driehaus, *Kommunalabgabenrecht*, Section 3 (local tax law), 2018 (commentary);
	Henke, *Kommunale Steuern*, 2018 (book on local tax law);
	Henke, in: Burkiczak/Dollinger/Schorkopf, *Bundesverfassungsgerichtsgesetz, Kommentar*, 2015 (commentary on Section 90 § 2 and § 3 of the Federal Constitutional Court Act);

	Henke, *Verfassungsrechtliche Anforderungen an fachgerichtliche Prozesskostenhilfeentscheidungen*, ZZP 2010, pp. 193 (essay on constitutional standards for legal aid);
	Henke, *Wirtschaftliche Betätigung von Gemeinden. Drittschutz durch die Subsidiaritätsklausel in Niedersachsen*? NordÖR 2010, pp. 335 (essay on specific questions of public business law);
	Henke, *Arbeitsrechtliche Schiedsgerichtsbarkeiten im internationalen Vergleich. U.S.-amerikanische Entertainment Arbitration als Lösungsmodell zur Erweiterung und Entstaatlichung der Schiedsgerichtsbarkeiten im deutschen Unterhaltungssektor?* 2004 (book on U.S. Entertainment Arbitration Approaches for German Live Theatre Arbitration Courts)
Associations	New York State Bar (member since 2006)
Languages	German (native)
	English (fluent)
	French (good)

Francesco Buffa (Italy)

Date of birth	22 August 1967
Present position	Judge seconded by Italy, European Court of Human Rights
Education (degrees)	1990 Bachelor of Laws (with Honours), Sapienza University of Rome

Professional experience

2016–present	Judge seconded by Italy, European Court of Human Rights
2013–2016	Justice, Italian Supreme Court of Cassation
2007–2013	Magistrate, Italian Supreme Court of Cassation (Judge seconded by Italy, European Court of Human Rights from 2011–2012)
1993–2007	Labour law Judge, Employment Tribunal of Lecce
2008–2018	(part-time) Teacher, labour Law, Sapienza University of Rome
1991–1993	Legal assistant, Bank of Italy

Publications

Social rights in Europe, Key Publisher, Vicalvi (Fr), 2016;

Welfare benefits for strangers, Key Publisher, 2016;

Jobs Act and protection of the dismissed worker in the European Courts, Key Publisher, 2015;

Current issues in civil proceedings and labor disputes, Aracne, Rome, 2014;

The labor law reforms made in Italy in the last five years, Aracne, Rome, 2014;

Issues of labor law in the ECHR's jurisprudence, Aracne, Rome, 2013;

The work of detainee persons (Le travail des detenus: in French), Aracne, Rome, 2013;

Social security in the ECHR's caselaw, Aracne Rome, 2013;

Liberty and trade union rights in the ECHR's caselaw, Aracne, Rome, 2013;

The fixed term jobs in the jurisprudence of the European and national courts, in Italgiureweb, Rome, and on http://www.cortedicassazione.it (2010);

Extra UE workers in the EU borders: labor law, non-discrimination law, and social security law (Cedam, Padova, 2009, pages 2632);

Labor disputes and civil procedure law (Maggioli, Rimini, 2009);

People with disability and handicaps: access to work, non-discrimination, labor legislation, and social security law (Giuffré, Milan, 2008);

Black and undeclared work (Giappichelli, Turin, 2008);

Precautionary measures in the public sector and the civil servants (Giappichelli, Turin, 2006);

Discrimination by public administration and protection of workers (Maggioli, Rimini, 2004);

Disciplinary liability of employees and civil servants (co-author, Halley, Macerata, 2007);

Non-patrimonial damage to the existence of workers and liability of the employers (co-author, Utet, Turin, 2006);

The job position at the public administrations (co-author, Halley, Macerata, 2005);

The work in the public administrations in the judicial decisions (co-author, La Tribuna, Piacenza, 2003)

Associations

Member of the Italian Magistrates Association (*Associazione Nazionale Magistrati*)

Languages

Italian (native)

French (fluent)

English (fluent)

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Seventy-third session
Item 21 (a) of the preliminary list*
Sustainable development

Implementation of Agenda 21, the Programme for the Further Implementation of Agenda 21 and the outcomes of the World Summit on Sustainable Development and of the United Nations Conference on Sustainable Development

Report of the Secretary-General

Summary

The present report, prepared in response to General Assembly resolution 72/216, provides an update on the implementation of Agenda 21, the Programme for the Further Implementation of Agenda 21 and the outcomes of the World Summit on Sustainable Development and of the United Nations Conference on Sustainable Development. It provides, in accordance with the request in the resolution, an analysis of the unfinished business of Agenda 21, the Programme for the Further Implementation of Agenda 21 and the outcomes of the World Summit and of the Conference, including on demographic dynamics, trade, land resources, toxic chemicals and groundwater contamination, waste, transfer of and cooperation on technology; and promotion of sustainable patterns of production and consumption, as well as the lessons learned in their full implementation. It also includes, by way of example, success stories and best practices. In that context, the report is based on recent studies and analysis by the United Nations system, the outcomes of intergovernmental deliberations, including the high-level political forum on sustainable development, convened under the auspices of the Economic and Social Council, the discussions of the multi-stakeholder forum on science, technology and innovation for the Sustainable Development Goals and other relevant forums and discussions. The present report should be read in conjunction with the report of the Secretary-General, submitted pursuant to paragraph 11 of Assembly resolution 72/216, on the mainstreaming of the three dimensions of sustainable development throughout the United Nations system (A/73/81-E/2018/59).

* A/73/50.

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I. Introduction

1. The present report has been prepared pursuant to General Assembly resolution 72/216, paragraph 14, in which the Assembly requested the Secretary-General to submit to the Assembly at its seventy-third session a report on the implementation of that resolution and to include in the report a comprehensive and substantive analysis of the unfinished business of Agenda 21: Programme of Action for Sustainable Development, the Programme for the Further Implementation of Agenda 21 and the outcomes of the World Summit on Sustainable Development, held in Johannesburg, South Africa, from 26 August to 4 September 2002, and of the United Nations Conference on Sustainable Development, held in Rio de Janeiro, Brazil, from 20 to 22 June 2012, including on demographic dynamics, trade, land resources, toxic chemicals and groundwater contamination, waste, transfer of and cooperation on technology and promotion of sustainable patterns of production and consumption, and to include the lessons learned in their full implementation, as well as success stories and best practices.

2. The report is based on recent studies and analysis conducted by bodies and organizations of the United Nations system, the outcomes of intergovernmental deliberations, including the high-level political forum on sustainable development, convened under the auspices of the Economic and Social Council, the discussions of the multi-stakeholder forum on science, technology and innovation for the Sustainable Development Goals and other relevant forums and discussions. The present report should be read in conjunction with the report of the Secretary-General, submitted pursuant to General Assembly resolution 72/216, on the mainstreaming of the three dimensions of sustainable development throughout the United Nations system (A/73/81-E/2018/59).

II. From Agenda 21 to the 2030 Agenda for Sustainable Development

A. Overall assessment

3. Since the convening of the United Nations Conference on Environment and Development in Rio de Janeiro in 1992, the world has witnessed profound changes in the discourse, policy and implementation of sustainable development. In developing from a relatively unknown idea into an inspiring global policy framework, sustainable development has guided the international community in initiating a paradigm shift, largely thanks to the leadership of the United Nations. As a major milestone in the endeavours of the United Nations to save the planet, the Conference was held 20 years after its predecessor conference in Stockholm and led to international agreements, including legally binding conventions, ideas and concepts outlined by the World Commission on Environment and Development. In 1987, the Commission defined sustainable development as "development that meets the needs of the present without compromising the ability of future generations to meet their own needs", a definition that was applied in sustainable development discourse for the ensuing 20 years.

4. The United Nations Conference on Environment and Development gave rise to a number of international instruments that continue to provide inspiration and guidance for sustainable development, including the groundbreaking Agenda 21, a blueprint for implementing sustainable development polices at local and national levels, and the Rio Declaration on Environment and Development, in which a set of 27 principles was enshrined. The Declaration promoted concepts such as the centrality of human beings to the concerns of sustainable development (principle 1);

the primacy of poverty eradication (principle 5); the importance of the environment for current and future generations and its equal footing with development (principles 3 and 4); the special consideration given to developing countries (principle 6); and the principle of common but differentiated responsibilities (principle 7). Two critical economic principles were also enshrined in the Declaration: the polluter pays principle (principle 16) and the precautionary approach (principle 15).[1]

5. The United Nations Conference on Environment and Development also led to the launch of a series of international legal instruments that addressed specific sector issues, such as the Non-legally Binding Authoritative Statement of Principles for a Global Consensus on the Management, Conservation and Sustainable Development of All Types of Forests (Forest Principles), the Convention on Biological Diversity, the United Nations Framework Convention on Climate Change, the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa, and the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (Fish Stocks Agreement). As an international event, the Conference is now generally regarded as one of the seminal moments in the development of multilateral solutions to global challenges, a landmark that ushered in a new era of global, multilateral approaches to cross-border environmental, social and economic challenges.

6. Agenda 21 was also the first United Nations document to identify roles and responsibilities for stakeholders. Its nine chapters on major groups have had a large impact on engagement in its implementation and monitoring.[2] The United Nations Conference on Environment and Development also marked a critical point that brought many stakeholders into a relationship with the United Nations at the global level. The participation of the major groups, as outlined in chapter 23, has been improved, with formalized processes in place to acknowledge their contributions to dialogues on sustainable development.

7. Since the United Nations Conference on Environment and Development, the world has seen a mixed picture in advancing sustainable development. Encouraging headway has been made in a number of areas. Overall, however, the journey towards global sustainability has not progressed as far as the international community had envisioned in 1992. On the one hand, there have been notable successes in reducing extreme poverty, with hundreds of millions of people having been lifted from poverty. On the other hand, pockets of extreme poverty stubbornly persist. The latest global estimate suggests that 10.9 per cent of the world population, or 783 million people, lived below the threshold of extreme poverty in 2013. More than half of the world's extreme poor live in sub-Saharan Africa, while about one third live in Southern Asia (see E/2018/64, paras. 5–6).

8. After a prolonged decline, world hunger appears to be on the rise again. Conflict, drought and disasters linked to climate change are among the key factors causing the reversal in the long-term progress achieved in fighting global hunger, making the prospect of ending hunger and malnutrition by 2030 more difficult. It is estimated that the undernourishment rate increased from 10.6 per cent in 2015 to 11 per cent in 2016. In absolute terms, the number of undernourished people

[1] United Nations, Department of Social and Economic Affairs, "Issue 1: Development cooperation in the light of sustainable development and the SDGs – Preliminary exploration of the issues", Rio+20 working papers (November 2012).

[2] Stakeholder Forum for a Sustainable Future, *Review of Implementation of Agenda 21 and the Rio Principles: Synthesis* (January 2012).

worldwide increased from 777 million in 2015 to 815 million in 2016 (see E/2018/64, para. 13).

9. Despite considerable gains in education enrolment worldwide, the adjusted net enrolment rates were 91 per cent for primary education, 84 per cent for lower secondary education and 63 per cent for upper secondary education in 2014. About 263 million children and young people were out of school, including 61 million children of primary school age. Sub-Saharan Africa and Southern Asia account for more than 70 per cent of the global out-of-school population in primary and secondary education.[3]

10. On the health front, many more people lead healthy lives now than in previous decades, but far too many people still die prematurely, and preventable diseases still take many people's lives. Globally, the under-5 mortality rate dropped to 41 deaths per 1,000 live births in 2016 from 78 in 2000, a 47 per cent decline. The total number of under-5 deaths dropped from 9.9 million in 2000 to 5.6 million in 2016. However, in 2015, an estimated 303,000 women throughout the world died as a result of complications of pregnancy and childbirth, with a global maternal mortality ratio of 216 maternal deaths per 100,000 live births. Almost two thirds of those deaths occurred in sub-Saharan Africa (see E/2018/64, para. 22).

11. In 2015, 5.2 billion people used safely managed drinking water services — an improved water source located on the premises, available when needed and free of contamination — which represents 71 per cent of the global population. But 2.3 billion people still lacked even a basic level of sanitation services, and 892 million continued to practise open defecation (see E/2018/64, paras. 59–60).

12. Between 2000 and 2016, the proportion of the global population with access to electricity increased from 78 per cent to 87 per cent, with the absolute number of people living without access to electricity dipping to just below 1 billion. Even with that progress, 3 billion people are still cooking with polluting fuel and stove combinations (see E/2018/64, paras. 67–68).

13. In 2015, forests covered about 4 billion hectares, or 31 per cent, of the world's land area. Despite a decrease in forest area over recent decades, the rate of forest loss has been cut by 25 per cent since the period 2000–2005, with most of the losses occurring in sub-Saharan Africa, South-Eastern Asia and Latin America, mainly as a result of the expansion of agricultural activities. Promisingly, the shares of protected forest area and forests under long-term management plans are increasing (see E/2018/64, para. 116).

14. The United Nations Conference on Environment and Development also launched the global response to climate change through the adoption of the United Nations Framework Convention on Climate Change. In that Convention, a framework was set out for action aimed at stabilizing atmospheric concentrations of greenhouse gases to avoid "dangerous anthropogenic interference with the climate system". The Convention, which entered into force on 21 March 1994, now has a near-universal membership of 197 States parties. In December 2015, the twenty-first session of the Conference of the Parties convened in Paris and adopted the Paris Agreement, a universal agreement aimed at keeping a global temperature rise for the twenty-first century well below 2 degrees Celsius, with the goal of driving efforts to limit the temperature rise to 1.5 degrees Celsius above pre-industrial levels.

15. Global carbon dioxide emissions from energy and industry have remained stable since 2014, but overall greenhouse gas emissions continue to rise slowly. Total global greenhouse gas emissions, including emissions from land use, land-use change and

[3] See https://sustainabledevelopment.un.org/sdg4.

forestry, are estimated to have reached some 51.9 gigatons of carbon dioxide equivalent in 2016. The assessment of the emissions gap and the mixed progress in the implementation of the pledges under the Cancun Agreements and of the nationally determined contributions show that there is a significant distance between the current collective ambitions and commitments and the measures required to meet the temperature goals of the Paris Agreement.[4]

16. On balance, while the historic and groundbreaking principles, conventions, aspirations and action agenda of the United Nations Conference on Environment and Development have inspired more than two decades of initiatives and actions, taken together, those initiatives and actions are simply not sufficient to meet the growing challenges on the social, economic and environmental fronts. The unfinished business of the Conference is now being carried forward through the 2030 Agenda for Sustainable Development.

B. Demographic dynamics

17. The synergistic relationship between demographic trends and factors and sustainable development is recognized in section I, chapter 5, of Agenda 21. The growth of world population and production, combined with unsustainable consumption patterns, places increasingly severe stress on the life-supporting capacities of the planet. Those interactive processes affect the use of land, water, air, energy and other resources. Unless they are well managed, rapidly growing cities face major environmental problems. The increase in both the number and size of cities calls for greater attention to issues of local government and municipal management. The human dimensions are key elements to consider in that intricate set of relationships, and they should be adequately taken into consideration in comprehensive policies for sustainable development.

18. Agenda 21 included a call for efforts to incorporate demographic trends and factors into the global analysis of environment and development issues; to develop a better understanding of the relationships among demographic dynamics, technology, cultural behaviour, natural resources and life support systems; and to assess human vulnerability in ecologically sensitive areas and centres of population to determine the priorities for action at all levels, taking full account of community-defined needs.

19. Those issues were further elaborated in the International Conference on Population and Development, held in Cairo from 5 to 13 September 1994. Participants at the Conference underscored that intensified efforts would be needed in the coming 5, 10 and 20 years, in a range of population and development activities, bearing in mind the crucial contribution that early stabilization of the world population would make towards the achievement of sustainable development. They further spotlighted crucial social and economic aspects of demographic dynamics, including issues relating to sustained economic growth in the context of sustainable development; education, especially for girls; gender equity and equality; infant, child and maternal mortality reduction; and the provision of universal access to reproductive health services, including family planning and sexual health.

20. In the Plan of Implementation of the World Summit on Sustainable Development (Johannesburg Plan of Implementation), demographic dynamics were integrated into actions on various social, economic and environmental challenges, including gender, children, health, consumption and regional development.

[4] United Nations Environment Programme, *The Emissions Gap Report 2017: A UN Environment Synthesis Report* (November 2017).

21. The outcome document of the United Nations Conference on Sustainable Development, entitled "The future we want", continued the integration approach by linking demographic dynamics with action on urbanization, migration, and national, rural and urban development strategies and policies. With reference to the International Conference on Population and Development, the outcome document included a call for the full and effective implementation of the Beijing Declaration and Platform for Action and the Programme of Action of the International Conference on Population and Development, and the outcomes of their review conferences, including the commitments to sexual and reproductive health and to the promotion and protection of all human rights in that context. With emphasis on the social dimensions, the Conference stressed the need for the provision of universal access to reproductive health, including family planning and sexual health, and the integration of reproductive health into national strategies and programmes.

22. Since the United Nations Conference on Sustainable Development, significant change has occurred on the population front. According to the most recent results released by the Department of Economic and Social Affairs,[5] the world's population numbered nearly 7.6 billion as at mid-2017, implying that the population had grown by approximately 1 billion inhabitants over the past 12 years. Sixty per cent of the world's people lived in Asia (4.5 billion), 17 per cent in Africa (1.3 billion), 10 per cent in Europe (742 million), 9 per cent in Latin America and the Caribbean (646 million), and the remaining 6 per cent lived in Northern America (361 million) and Oceania (41 million).

23. Although population growth rates have slowed, the world's population is still growing by 81 million people per year. By 2030, the target year for the 2030 Agenda, the global economy will need to support approximately 9 billion people. With the exception of Europe, where total population is projected to decrease by slightly less than 1 per cent by 2030, all other regions are projected to grow by at least 10 per cent over the next 15 years. Africa will account for more than 40 per cent of the absolute increase in population, meaning that the region will account for nearly one fifth of the world's total population by 2030.

24. From a historical perspective, the growth of the world's population over the past 60 years has been unprecedented. The global population has doubled since 1969, reflecting the progress that has been made in combating infectious and childhood diseases and in reducing the burden of premature and avoidable deaths, especially in developing countries. Nevertheless, the rapid growth of the world's population, in combination with increasing prosperity, higher standards of living and unsustainable patterns of consumption and production, has led to growing concerns about the impact of human actions on the environment and continuing challenges in maternal and child health care, universal access to health care and gender equality, among other areas. Those challenges are now being addressed within the framework of the 2030 Agenda and the Sustainable Development Goals.

25. An example of a successful initiative relating to demographic dynamics is the Youth Enterprise Model, which was implemented by the United Nations Population Fund to ensure that young people not only develop employable skills but also gain knowledge and learn safe decision-making behaviour in relation to sexual and reproductive health.[6]

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[5] United Nations, Department of Economic and Social Affairs, *World Population Prospects: The 2017 Revision — Key Findings and Advance Tables*, Working Paper No. ESA/P/WP/248.

[6] For a specific example, see www.unfpa.org/news/youth-offer-solutions-global-problems-if-leaders-take-action-now.

C. Trade

26. The topic of trade and sustainable development was addressed in section I, chapter 2, of Agenda 21, and in chapters V and X of the Johannesburg Plan of Implementation. In Agenda 21, Governments were called upon to continue to promote an open, non-discriminatory and equitable multilateral trading system that would enable all countries, in particular developing countries, to improve their economic structures and the standard of living of their populations through sustained economic development; to improve access to markets for exports of developing countries; to improve the functioning of commodity markets and achieve sound, compatible and consistent commodity policies at national and international levels with a view to optimizing the contribution of the commodity sector to sustainable development, taking into account environmental considerations; and to promote and support policies, domestic and international, that make economic growth and environmental protection mutually supportive.

27. The Johannesburg Plan of Implementation included a call for urgent action at all levels to continue to promote open, equitable, rules-based, predictable and non-discriminatory multilateral trading and financial systems that would benefit all countries in the pursuit of sustainable development. It also included a call for action at all levels to enhance the capacities of developing countries, including the least developed countries, landlocked developing countries and small island developing States, to benefit from liberalized trade opportunities through international cooperation and measures aimed at improving productivity, commodity diversification and competitiveness, community-based entrepreneurial capacity and transportation and communication infrastructure development.

28. Experience in recent decades suggests that expanding trade is essential to reducing poverty and promoting sustainable development. Countries that are actively engaged in international trade tend to grow faster and provide more opportunities for sustainable development. Since the United Nations Conference on Environment and Development, the trade discussion has expanded to cover import tariffs and non-tariff measures that restrict access to markets. In addition, developing countries have to contend with bottleneck challenges such as a lack of infrastructure, which hinder access to regional and international markets.

29. While overall trade has expanded, growing from some $4 trillion (merchandise exports) in 1992 to some $17 trillion in 2015, the stagnation in global trade since 2011 has been accompanied by an interruption in the expansion of world market shares among developing regions and least developed countries. Among developing regions, the share of global merchandise exports declined for two consecutive years, dropping from 45.4 per cent in 2014 to 44.2 per cent in 2016, in sharp contrast to the average annual increase of 1.2 percentage points between 2001 and 2012. Among the least developed countries, the share of global merchandise exports decreased from 1.1 per cent in 2013 to 0.9 per cent in 2016, compared to the rise from 0.6 per cent to 1.1 per cent observed between 2000 and 2013. A similar trend was seen in service exports: the share of such exports attributable to least developed countries stood at 0.74 per cent in 2016, down slightly from its 2013 level. Much of the decline in their share of global exports can be attributed to a drop in commodity prices, since exports from many least developed countries are concentrated in primary commodities such as minerals, ores and fuels (see E/2018/64, para. 142).

30. In its 2017 report on trade and development (TD/B/62/2), the United Nations Conference on Trade and Development pointed out that in today's challenging and unpredictable global environment, efforts to build inclusive economies and societies would need to accelerate. Reinvigorating the multilateral trading system as a global

public good with renewed momentum and relevance would also be essential for achieving the Sustainable Development Goals.

31. An example of a success story relating to trade and sustainable development is the Aid for Trade initiative, which was launched in 2005 to address the supply side and trade-related infrastructure constraints that often hamper the participation of developing countries in global trade. Since the initiative was launched, almost $300 billion in support has been disbursed. Some 146 developing countries have received aid for trade, mainly in Asia (41.5 per cent) and Africa (38.7 per cent), with 27 per cent of total aid going to least developed countries.[7]

D. Land resources

32. The integrated planning and management of land resources is the subject of chapter 10 of Agenda 21, which addresses the cross-sectoral aspects of decision-making for the sustainable use and development of natural resources, including the soils, minerals, water and biota that land comprises. This broad, integrative view of land resources, which are essential for life-support systems and the productive capacity of the environment, continues to guide land resources management. Among other things, Agenda 21 included a call for efforts to review and develop policies to support the best possible use of land and the sustainable management of land resources, by not later than 1996, and to improve and strengthen planning, management and evaluation systems for land and land resources, by not later than 2000. The emphasis on integrated land management was further developed in the Johannesburg Plan of Implementation, in which land management was integrated with such topics as agriculture, water, forests, desertification and sustainable cities.

33. The economic and social significance of good land management, including soil and its contribution to economic growth and social progress, was recognized in paragraph 205 of the outcome document of the United Nations Conference on Sustainable Development. In that context, Member States expressed their concern about the challenges posed to sustainable development by desertification, land degradation and drought, especially for Africa, least developed countries and landlocked developing countries. At the same time, Member States highlighted the need to take action at national, regional and international levels to reverse land degradation, mobilize financial resources from both private and public donors and implement both the United Nations Convention to Combat Desertification and the 10-year strategic plan and framework to enhance the implementation of the Convention (2008–2018).

34. Furthermore, in paragraphs 207 and 208 of the outcome document, Member States recognized the importance of partnerships and initiatives for the safeguarding of land resources and stressed the importance of the further development and implementation of scientifically based, sound and socially inclusive methods and indicators for monitoring and assessing the extent of desertification, land degradation and drought. The relevance of efforts under way to promote scientific research and strengthen the scientific basis of activities to address desertification and drought under the Convention to Combat Desertification was also addressed.

35. Land degradation threatens the livelihoods of more than 1 billion people. The degradation of soil and land continues as a result of heightened competition for land use, undermining the security and development of all countries. From 1999 to 2013,

[7] See Organization for Economic Cooperation and Development and World Trade Organization, Aid for Trade at a Glance: Promoting Trade, Inclusiveness and Connectivity for Sustainable Development (2017) and www.wto.org/english/tratop_e/devel_e/a4t_e/aid4trade_e.htm.

approximately one fifth of Earth's land surface covered by vegetation showed persistent and declining trends in productivity, primarily owing to land and water use and management. Up to 24 million square kilometres of land were affected (an area the size of China, India and the United States of America combined) including 19 per cent cropland, 16 per cent forest land, 19 per cent grassland and 28 per cent rangeland. For grasslands and rangelands, the global extent of areas experiencing declining productivity exceeds that of the areas showing increases. South America and Africa are most affected by diminished productivity: in some dryland areas, advanced stages of land degradation are leading to desertification. Reversing those worrying trends through sustainable land management is key to improving the livelihoods and resilience of more than 1 billion people inhabiting degraded lands.[8]

36. The unfinished business with regard to land management is integrated into Sustainable Development Goal 15, that is, to protect, restore and promote the sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification and halt and reverse land degradation and halt biodiversity loss. Efforts in this regard need to be scaled up to manage land, trees and forests, crops, livestock and fisheries in a more sustainable and integrated way, taking agroecological knowledge into account.

37. An example of a success story relating to the management of land resources is the development of *juncao* technology (*jun* meaning fungi, *cao* meaning grass) by the National Engineering Research Centre for Juncao Technology at the Fujian Agriculture and Forestry University in China, through a project supported by the United Nations peace and development trust fund. The technology has allowed farmers in mountainous areas and in regions experiencing drought, land degradation and desertification to grow several types of nutritious mushrooms from dried, chopped grasses, without cutting down trees or damaging the environment.[9]

E. Toxic chemicals, groundwater contamination and waste

38. The environmentally sound management of toxic chemicals, in line with the principles of sustainable development and the need to improve quality of life for humankind, was given special attention in chapter 19 of Agenda 21. The need for action was identified in six programme areas: (a) expanding and accelerating the international assessment of chemical risks; (b) harmonizing the classification and labelling of chemicals; (c) exchanging information on toxic chemicals and chemical risks; (d) establishing risk reduction programmes; (e) strengthening national capabilities and capacities for the management of chemicals; and (f) preventing illegal international trafficking in toxic and dangerous products.

39. In the Johannesburg Plan of Implementation, the international community renewed its commitment, as advanced in Agenda 21, to the sound management of chemicals throughout their life cycles and of hazardous wastes for sustainable development and for the protection of human health and the environment. To that end, Member States aimed to ensure, by 2020, that chemicals would be used and produced in ways that lead to the minimization of significant adverse effects on human health and the environment, using transparent, science-based risk assessment and risk management procedures and taking into account the precautionary approach, as set out in principle 15 of the Rio Declaration, and to support developing countries in

[8] United Nations Environment Programme, *Food Systems and Natural Resources: A Report of the Working Group on Food Systems of the International Resources Panel* (2016).

[9] See www.juncao.org.

strengthening their capacity for the sound management of chemicals and hazardous wastes by providing technical and financial assistance.

40. In that context, seven priority areas for action were set out in the Johannesburg Plan of Implementation, including encouraging partnerships to promote activities aimed at enhancing the environmentally sound management of chemicals and hazardous wastes, implementing multilateral environmental agreements, raising awareness of issues relating to chemicals and hazardous wastes and encouraging the collection and use of additional scientific data.

41. In paragraph 89 of the outcome document of the United Nations Conference on Sustainable Development, the international community reaffirmed that commitment by recognizing the significant contributions to sustainable development made by the multilateral environmental agreements, including the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and the Stockholm Convention on Persistent Organic Pollutants.

42. There is a close link between the sound management of chemicals and the prevention of groundwater contamination. Improving access to safe sources of water depends on efforts to protect water sources from harmful levels of chemical contaminants, including arsenic and fluoride, which pose significant health concerns. Long-term exposure to inorganic arsenic in water that is used for drinking, cooking and food preparation causes chronic arsenic poisoning, leading to skin lesions and cancer. Arsenic in groundwater is a widespread and significant problem in some regions. It is estimated that between 19 million and 39 million people in Bangladesh are at risk of exposure to arsenic concentrations higher than the guideline values defined by the World Health Organization. Exposure to hazardous chemicals in wastewater may also pose risks to public health, in particular downstream of industrial activities such as mining and manufacturing.[10]

43. In line with target 6.3 of the Sustainable Development Goals, the prevention of contamination will be key to long-term solutions. Chemical pollution from industry and agriculture should be minimized at the source. More efforts should be made to regulate the use of pesticides, the construction of landfills or gasoline stations over groundwater, and large, confined animal operations near vulnerable groundwater, among other activities.

44. The unfinished business of chemical management, groundwater contamination and waste will continue to be handled under Goals 3, 6 and 12 and other relevant targets.

45. One example of a success story in the field of toxic chemicals, groundwater contamination and waste is a project funded by the Quick Start Programme trust fund for the purpose of strengthening the capacity of smallholder farmers, extension staff and agro-dealers in the judicious use of herbicides. The project has helped those key groups to enhance their knowledge of the safe use of herbicides and other pesticides in order to improve crop outcomes, protect the health of communities and prevent damage to the environment.[11]

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[10] United Nations, *Sustainable Development Goal 6 Synthesis Report 2018 on Water and Sanitation* (New York, 2018).

[11] See www.saicm.org/Resources/SAICMStories/Lesothofoodsecurityproperuseofpesticides/tabid/6283/language/en-GB/Default.aspx.

F. Transfer of and cooperation on technology and the promotion of sustainable patterns of production and consumption

46. In chapter 4 of Agenda 21, the issue of changing consumption patterns was addressed. The broad nature of that challenge was also recognized and addressed in several parts of the document, notably in those relating to energy, transportation and wastes, in the chapters on economic instruments and the transfer of technology, and in chapter 5, on demographic dynamics and sustainability. Agenda 21 also included a call for actions to develop national policies and strategies to encourage changes in unsustainable consumption patterns.

47. In the Johannesburg Plan of Implementation, the critical importance of action on advancing sustainable patterns of production and consumption was reaffirmed. In chapter III, it was emphasized that fundamental changes in the way societies produce and consume were indispensable for achieving global sustainable development. All countries should promote sustainable consumption and production patterns, with the developed countries taking the lead and with all countries benefiting from the process, taking into account the principles of the Rio Declaration, including the principle of common but differentiated responsibilities set out in principle 7. Governments, relevant international organizations, the private sector and all major groups should play an active role in changing unsustainable consumption and production patterns.

48. In the outcome documents of the United Nations Conference on Sustainable Development, the international community recognized that urgent action on unsustainable patterns of production and consumption where they occurred remained fundamental to addressing environmental sustainability and promoting the conservation and sustainable use of biodiversity and ecosystems, the regeneration of natural resources and the promotion of sustained, inclusive and equitable global growth. In that context, Member States adopted the 10-Year Framework of Programmes on Sustainable Consumption and Production Patterns (see A/CONF.216/5, annex).

49. Recent studies show that, overall, the development of national policies on sustainable consumption and production patterns points to positive trends, as demonstrated by the fact that the number of such policies and instruments has almost continuously increased since 2002. In total, 71 countries plus the European Union have documented their macro-policies and regulatory, voluntary or economic instruments that support the shift towards sustainable consumption and production patterns. According to other sources of information, a total of 109 countries have or have had national policies and initiatives relating to sustainable consumption and production patterns.[12]

50. Despite evident progress in the development of policies, knowledge resources and technical tools, the application and implementation of those tools to foster concrete and tangible changes in practices and impacts remains limited. As regards compliance with environmental agreements, for example, while the Montreal Protocol on Substances that Deplete the Ozone Layer has a 100 per cent compliance rate with regard to transmitting information on the implementation of obligations, the Rotterdam Convention shows a rate of 71 per cent, and reporting rates for the Basel

[12] United Nations, Department of Social and Economic Affairs, "2018 HLPF Review of SDGs implementation: SDG 12 – Ensure sustainable consumption and production patterns – Status of Progress on SDG 12". Available at https://sustainabledevelopment.un.org/content/documents/19653218backgroundnotesSDG12.pdf.

Convention and the Stockholm Convention are as low as 57 and 51 per cent, respectively.[13]

51. In terms of trends in sustainable consumption and production patterns, the per capita material footprint of developing countries grew from five metric tons in 2000 to nine metric tons in 2017, representing a significant improvement in their material standard of living. Most of that increase is attributed to a rise in the use of non-metallic minerals, pointing to growth in the areas of infrastructure and construction.

52. Although the per capita material footprint of developing countries has grown significantly, developed countries still have at least double the per capita footprint of developing countries for all types of materials. In particular, the material footprint for fossil fuels is more than four times higher in developed than in developing countries. As fossil fuels directly impact the environment in various ways, the need to decouple their use from economic growth is key to achieving sustainable consumption and production patterns.

53. Food and agriculture are sectors that face enormous challenges concerning sustainable production and consumption. In developing countries, one third of the food produced is lost in production and transportation, while in developed countries 40 per cent of food is lost in retailing. Governments should promote evidence- and science-based approaches to reduce food loss and waste and implement policy innovations and reforms for sustainable and nutritious diets, including reforming subsidies as well as taxes on emission-intensive foods (see E/HLPF/2018/6, para. 58).

54. Micro- and informal enterprises play an essential part in advancing sustainable production and consumption patterns in both developed and developing countries. Those enterprises have innovation and technology diffusion potential that should be taken into consideration in the promotion of technologies for sustainable consumption and production. Efforts must target poor communities, scale up partnerships and promote science and technology through doing, using and acting (see E/HLPF/2018/6, para. 59).

55. The unfinished business from the United Nations Conference on Environment and Development with regard to sustainable consumption and production patterns is now being carried forward under the 2030 Agenda, in particular through Sustainable Development Goal 12. Sustainable consumption and production patterns are among the most cost-efficient and effective ways to achieve economic development, reduce impacts on the environment and advance human well-being. Achieving those patterns will deliver not only Goal 12, but also simultaneously make a significant direct or indirect contribution to the achievement of almost all the Goals.

56. More resource-efficient production can also create opportunities for productivity increases that can have positive effects on value added and therefore on the remuneration of workers. Particular attention to micro-, small and medium-sized enterprises is needed, as such enterprises face greater challenges to enhancing resource and energy efficiency.

57. There needs to be a shift away from economic models that value growth for growth's sake towards a new mindset in which ecological boundaries are respected, the economy is recognized as a subset of nature, and the concept of living in harmony with nature is supported (as reflected in particular in targets 8.4, 12.2 and 12.8 of the Goals).

58. A number of thematic issues are interlinked with sustainable consumption and production patterns, such as climate action, sustainable transport and ocean and

[13] Ibid.

marine resource conservation, including actions to combat plastics pollution. For example, in the 2030 Agenda and the Paris Agreement, a range of universal transformative objectives were set out for shifting all countries onto a sustainable and low-carbon development path. The two instruments are deeply interdependent and exhibit strong potential for mutual benefits, and the need for a shift to sustainable consumption and production lies at their core. Goal 12 is instrumental for reconciling economic, social and environmental objectives and decoupling greenhouse gas emissions from economic growth. For sustainable transport solutions, the principles of sustainable consumption and production, such as resource efficiency, are of the utmost importance. The achievement of sustainable transport can be supported through policies and actions for those patterns on both the supply and demand sides of the transport sector.[14]

59. An illustrative link exists between sustainable consumption and production patterns and the issue of plastic pollution in the ocean. Eighty per cent of all pollution in the sea comes from land, including some 8 million tons of plastic waste each year. Solutions are found in the life cycle management approach to plastics, the aims of which are to avoid the unnecessary use of plastics, to prevent waste and to ensure that plastics are designed for collection, reuse, recycling and end-of-life management.

60. Technology cooperation, especially in technologies that help reduce resource consumption, pollution and emissions and enhance material efficiency, will be critical to fostering sustainable consumption and production patterns. Areas where developing countries could benefit from strengthened technology cooperation include water supply, energy efficiency, renewable energy, agricultural production, sustainable industry, building and construction, transport, and technologies for flexible consumption and the sharing economy. Decoupling economic growth from the use of natural resources is fundamental to sustainable development. A circular economy approach, combined with sustainable modes of consumption and production, could improve the resilience of the entire global socio-economic system.

61. Developing and disseminating clean and environmentally sound technologies are central to the success of the 2030 Agenda. All countries will need appropriate technologies and know-how to support inclusive economic growth while moving away from unsustainable consumption and production on a scale of efforts that matches that of the challenge.

62. Investment in new and efficient end-use technologies (such as renewable energy technologies) also needs to be promoted by policy frameworks and de-risking strategies. Policy instruments should provide stability and predictability for the often substantial initial investments by the private sector. Furthermore, investment in research and development needs to increase and must be accompanied by the vigorous promotion of capacity-building and education.

63. One specific success story relating to the transfer of and cooperation on technology and the promotion of sustainable patterns of production and consumption is the programme launched by the United Nations Industrial Development Organization for the transfer of environmentally sound technologies for the southern Mediterranean. In Tunisia, for example, water-saving measures implemented through the programme have enabled clothing manufacturers to contribute to achieving the industry-related targets of Sustainable Development Goal 6 on clean water and Goal 12 on sustainable consumption and production.[15]

[14] Ibid.

[15] See www.unido.org/stories/reducing-industrial-water-consumption-tunisia.

III. Conclusions

64. At the time of the United Nations Conference on Environment and Development, humanity was at a defining moment in history, confronted with a perpetuation of disparities between and within nations, a worsening of poverty, hunger, ill health and illiteracy, and the continuing deterioration of the ecosystems on which the world depends for its well-being. Those interrelated challenges remain today; while progress is evident in some areas, there has been deterioration in others. While the persistence of those challenges can be a source of frustration, the international community must carry forward the unfinished business of Agenda 21, the Programme for the Further Implementation of Agenda 21 and the outcomes of the World Summit on Sustainable Development and of the United Nations Conference on Sustainable Development. The international community owes that obligation to present as well as future generations.

65. In pursuing this unfinished journey, the international community draws guidance and inspiration from a series of interlinked frameworks for action and international legal instruments, building on lessons learned, success stories and partnerships. It is guided by the 2030 Agenda and its 17 Sustainable Development Goals, which provide a visionary road map for all countries and stakeholders to strive for a world of sustainable prosperity, social inclusion and equality, while at the same time preserving the planet and leaving no one behind. By no means is this an easy mission. In order to succeed, countries need to undertake this journey together, learning from each other and from the efforts of the past decades, both successes and failures, and to carry forward the common vision of a sustainable, peaceful and prosperous future — a future we all want.

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Seventy-third session
Item 74 (b) of the preliminary list*
Promotion and protection of human rights: human rights questions, including alternative approaches or improving the effective enjoyment of human rights and fundamental freedoms

Effective promotion of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the report of the Special Rapporteur on minority issues, Fernand de Varennes, submitted pursuant to Assembly resolution 72/184 and Human Rights Council resolution 25/5.

* A/73/50.

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Report of the Special Rapporteur on minority issues

Statelessness: a minority issue

Summary

The mandate of the Special Rapporteur on minority issues was established by the Commission on Human Rights in its resolution 2005/79. It was subsequently extended by the Human Rights Council, most recently in its resolution 34/6.

In the present report, in addition to giving an overview of his activities, the Special Rapporteur tackles the issue of statelessness and explores why most of the world's more than 10 million men, women and children who find themselves deprived of citizenship are persons belonging to national or ethnic, religious and linguistic minorities.

The Special Rapporteur presents the underlying causes and patterns that result in millions of minorities around the world losing or being denied citizenship out of all proportion. First, he investigates how and why certain minorities find themselves particularly affected, and even at times specifically targeted, by legislation, policies and practices contributing to or resulting in statelessness. Second, he describes the contexts and patterns that explain the disproportionate extent to which statelessness is experienced by persons belonging to minorities, and why this is at times directly linked to their affiliation to a minority group. Third, he identifies the contexts and patterns that involve breaches of international human rights obligations, in particular the international prohibition of discrimination.

I. Introduction

1. In the present report, submitted in accordance with General Assembly resolution 72/184 and Human Rights Council resolution 25/5, the Special Rapporteur provides, in section II, a brief overview of his activities before, in section III, focusing on why the vast majority of the world's stateless persons are those belonging to minorities; the legislation, policies and practices that contribute to extreme vulnerability; and how persons belonging to minorities are disproportionally affected by a lack of citizenship. He considers how this situation relates to international human rights standards and provides suggestions for addressing it. The final section contains preliminary conclusions and recommendations.

II. Activities of the Special Rapporteur

2. A summary of the activities of the Special Rapporteur (and of the previous holder of the mandate, Rita Izsák-Ndiaye, from January to July 2017) is available in his report submitted to the Human Rights Council at its thirty-seventh session (A/HRC/37/66, paras. 7–30) and in the bulletin published on his website every six months, which provides a summary of activities, including communications,[1] press statements, public appearances, country visits and thematic reports.[2]

A. Country missions during 2018

Slovenia

3. The Special Rapporteur undertook an official mission to Slovenia from 5 to 13 April to gather first-hand information on human rights issues involving minorities in the country. He noted the country's strong commitment to and tradition of human rights recognition and protection and commended it for its long-standing and positive measures in relation to minorities, such as the Hungarian and Italian communities. He recommended, however, that disaggregated data be collected so to have better and more effective policies and that the Government study how other countries collected, through national censuses, and analysed data disaggregated by ethnicity, religion or language while still being sensitive to and respecting privacy concerns.

4. He indicated that the national human rights system should be enhanced, given that it constituted the front line for the protection of society's most vulnerable and marginalized populations, including minorities. In that regard, he noted that adopting multi-year funding formulas for both the Human Rights Ombudsman and the Advocate of the Principle of Equality would be useful in promoting respect for human rights and tolerance for diversity and in raising awareness with a focus on Roma, minorities and migrants. He also suggested that a review of legislation for both the Ombudsman and the Advocate would remove ambiguities and inconsistencies and could provide for more effective legal remedies for victims of discrimination and other human rights violations.

5. He noted that additional changes were needed in various areas to address the particular vulnerability and marginalization of the Roma community, including removing the distinction in legislation and other measures between "autochthonous" and "non-autochthonous" Roma communities and adopting new legislation to include specific measures in the fields of education and social services to specifically and directly tackle instances of ongoing discrimination and the regularization of Roma

[1] See www.ohchr.org/EN/HRBodies/SP/Pages/CommunicationsreportsSP.aspx.

[2] See www.ohchr.org/EN/Issues/Minorities/SRMinorities/Pages/SRminorityissuesIndex.aspx.

settlements. In addition, access to drinking water and basic services such as sanitation and power needed to be tackled as an emergency at the highest levels possible through a five-year action plan, pending the resolution of the status of Roma settlements and progress through other measures currently in place.

6. He addressed the effective implementation of comprehensive legislation for the protection of all minorities by noting that much had been accomplished for the protection of the rights of minorities such as Hungarians and Italians, but too many Slovenian citizens who were members of other minorities had been left out. He indicated that comprehensive legislation could be adopted to protect the rights of all Slovenian minorities, while respecting the currently established constitutional prominence and status of Hungarians, Italians and Roma. New legislation should be explored and include provisions on education in the mother tongue where there was sufficient demand in a locality, to the degree appropriate, or to at least provide for the teaching of a minority language, where possible, as well as provisions guaranteeing fair and proportionate funding of cultural and other activities of minorities, including in the media.

7. As to the Hungarian and Italian minorities, although they had well-established rights and autonomy arrangements, there were still omissions or failures in implementation, with bilingual services not provided where they should be or bilingual officials and teachers either absent or lacking the required fluency levels. He recommended a review of hiring policies, language testing and bilingualism requirements for civil servants and teachers in order to remedy those issues.

8. He recommended that sign language be recognized as the language used by members of the deaf community and that legislation be amended or adopted to make it an official language or to grant it some other status, as had been occurring in recent years in a growing number of countries.

9. His full report on the visit will be submitted to the Human Rights Council in March 2019.

Botswana

10. The Special Rapporteur will conduct a mission to Botswana from 13 to 24 August 2018. A summary of the mission will be presented in his next report to the Human Rights Council.

B. Other activities

11. In addition to the activities mentioned in his above-mentioned report to the Human Rights Council (A/HRC/37/66, paras. 7–30), on 11 October 2017 the Special Rapporteur spoke on the theme "An international point of view of indigenous language rights: power, identity and opportunity" as part of the Assembly of First Nations engagement sessions in Halifax, Canada.

12. On 30 January 2018, the Special Rapporteur was a guest speaker at the sixty-first annual meeting of the Russian branch of the International Law Association, held at Moscow State University, where he focused on global challenges faced by minorities and the effectiveness of international law. On 2 and 3 March, in Budapest, he participated in an expert meeting organized by the Tom Lantos Institute on the theme "Challenges and ways forward: critical assessment of the international minority protection regime". On 26 March, he was a keynote speaker for an event launching the Peter McMullin Centre on Statelessness at the University of Melbourne, Australia, where he highlighted why statelessness was, first and foremost, a minority issue, given that the vast majority of stateless persons are those who belong to

minorities. On 26 and 27 April, he was a keynote speaker at the closing ceremony of the thirty-sixth annual course on human rights, organized by the Catalonian Institute of Human Rights in Barcelona, Spain. On 30 April and 1 May, he convened a regional expert consultation in Bangkok on statelessness and minority rights.

13. On 9 May, the Special Rapporteur addressed the International Muslim Communities Congress, held in Abu Dhabi, where he presented his mandate and tackled issues surrounding the rise of hate speech and intolerance of religious minorities around the world. On 10 May, he was a guest speaker at an event entitled "Arab human capital in Israel: organizing and activation", held in Et Taiyiba, Israel. He addressed the topic of the human rights of minorities generally and the value of education and language more specifically. On 24 May, he was a speaker at the third global meeting of Global Action against Mass Atrocity Crimes, held in Kampala, where he discussed the issue of prevention and minorities. On 31 May, he participated as a speaker and panellist in Oslo at a conference marking the twentieth anniversary of the Oslo Recommendations regarding the Linguistic Rights of National Minorities, organized by the High Commissioner on National Minorities of the Organization for Security and Cooperation in Europe and the Norwegian Resource Bank for Democracy and Human Rights.

14. On 18 June, the Special Rapporteur gave opening remarks at a conference to mark the seventieth anniversary of the Universal Declaration of Human Rights, focusing on minority rights in conflict-ridden societies, organized by the Center for Studies of the Holocaust and Religious Minorities and the Minority Network, in Oslo. He dealt with human rights and autonomy as approaches for maintaining peace and stability and effectively protecting minorities. On 25 June, he was a panellist at the first World Conference on "Religions, Creeds and Value Systems: Joining Forces to Enhance Equal Citizenship Rights", organized in Geneva by the Geneva Centre for Human Rights Advancement and Global Dialogue in collaboration with the International Catholic Migration Commission, the World Council of Churches, the World Council of Religious Leaders, Bridges to Common Ground and the European Center for Peace and Development. On 26 June, he attended an expert round-table discussion on citizenship stripping as a security measure, along with some 40 other experts in The Hague, Netherlands, organized by the Institute on Statelessness and Inclusion, in collaboration with the Asser Institute, Open Society Foundations and Ashurst. He pointed out, among other things, that statelessness was, by and large, a minority issue.

15. On 3 July, the Special Rapporteur was a guest speaker at the First Nations Governance Forum, organized by the Australian National University in Canberra. He dealt mainly with United Nations standards on the protection of the human rights of minorities and how those were important elements in ensuring stable and inclusive societies around the world. On 4 July, he participated in a seminar organized by the College of Law of the Australian National University on the nature and extent of minority rights in international law and described his mandate. On 5 July, he met a group of indigenous graduate students at the Australian National University and exchanged views on the advancement of human rights and the contemporary challenges being faced in terms of their promotion and implementation. On 11 July, in Geneva, he addressed the participants in the fifty-sixth United Nations Graduate Study Programme, organized by the United Nations Information Service. The theme was "Human rights at a crossroads: where we stand in 2018", given that 2018 marks the seventieth anniversary of the Universal Declaration of Human Rights. He pointed to the historical evolution of human rights since the end of the Second World War, explaining why their development was far from complete, or even straightforward, in the current context of resistance — and even opposition — to the international human rights system. On 12 July, he gave a lecture as part of the summer human rights

programme of the School of Law of Murdoch University, Australia, on his mandate and activities, as well as challenges pertaining to minority issues. On 16 July, he explained how he and the United Nations interpreted the human rights of minorities to the participants in the sixth Global Minority Rights Summer School, held in Budapest on the theme "Law and politics of minority rights: are norms and institutions failing us?".

C. Annual report to the Human Rights Council for 2017

16. The Special Rapporteur submitted his annual report for 2017 (A/HRC/37/66), which included an outline of the priorities and vision of his tenure as mandate holder on minority issues, to the Human Rights Council at its thirty-seventh session, in March 2018.

D. Forum on Minority Issues

17. Information on the tenth session of the Forum on Minority Issues, held on 30 November and 1 December 2017 on the theme "Minority youth: towards diverse and inclusive societies", can be found in the annual report of the Special Rapporteur for 2017 (ibid., paras. 59–68).

18. The eleventh session of the Forum, which will be focused on statelessness and minorities, will be held in Geneva on 29 and 30 November 2018.

III. Statelessness: a minority issue

A. Introduction

19. In 2008, the Independent Expert on minority issues presented in her annual report to the Human Rights Council (A/HRC/7/23) a thematic assessment of the issue of the discriminatory denial or deprivation of citizenship as a tool for the exclusion of minorities. A decade later, in her report to the Human Rights Council (A/HRC/38/52), the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance also addressed the issue of racial discrimination in the context of laws, policies and practices concerning citizenship, nationality and immigration status.

20. Both mandate holders made important contributions to advancing the understanding of the root causes of statelessness, in particular the frequent presence of discriminatory practices, in breach of international human rights obligations, that result in patterns of statelessness affecting, in particular, minorities around the world. What was not known in 2008 or perhaps emphasized sufficiently in 2018 is the extent to which statelessness is, first and foremost, a minority issue.

21. The vast majority of stateless populations today — more than three quarters, according to the Office of the United Nations High Commissioner for Refugees (UNHCR) in 2017 — are persons belonging to national or ethnic, religious and linguistic minorities.[3] This massive overrepresentation is no coincidence: patterns regarding the statelessness of minorities clearly suggest that the denial or deprivation of citizenship is too often neither entirely arbitrary nor accidental, but rather, for many millions of people, the result of deliberate policies and practices that render too many

[3] UNHCR, "'This is our home': stateless minorities and their search for citizenship", 2017 Statelessness Report (November 2017), p. 1.

of those who belong to minorities stateless and therefore particularly vulnerable in many societies. Unless the systematic targeting of or disproportionate impact on certain minorities, resulting in their statelessness, is directly acknowledged and addressed, the predicament and challenges of the statelessness of more than 10 million individuals will not be significantly reduced. Unfortunately, this appears to be the case, notwithstanding the positive results obtained in some sectors through the important efforts of various stakeholders,[4] including the UNHCR #IBelong campaign, intended to end statelessness by 2024.[5]

22. Stateless minorities are also often doubly vulnerable. The discriminatory denial or removal of citizenship may have long-lasting and extreme consequences for the enjoyment of other rights and/or access to services. In addition, women belonging to minorities may be further marginalized by gender-based discrimination in relation to their acquisition, change or retention of nationality and the conferral of nationality on their children.

23. For these reasons, the Special Rapporteur identified statelessness as a key thematic priority in his first oral statement to the General Assembly, in October 2017, and in his first report to the Human Rights Council (A/HRC/37/66), presented in March 2018. In that context, he convened, on 30 April and 1 May 2018 in Bangkok, a regional expert consultation so as to benefit from the knowledge and experience of academics, advocates, affected communities, United Nations bodies and agencies, regional intergovernmental institutions and civil society. He has sought to strengthen communication and collaboration with relevant United Nations bodies such as UNHCR, as well as with non-governmental organizations that are focused on addressing the challenge of statelessness, including the Institute on Statelessness and Inclusion, the Statelessness Network Asia Pacific, the International Federation of Red Cross and Red Crescent Societies, the European Network on Statelessness, the Canadian Centre on Statelessness and the Peter McMullin Centre on Statelessness. In addition, a call for submissions was made on 25 April to States Members of the United Nations and other interested parties for information on issues relating to minorities and citizenship.

24. Section B below contains a preliminary analysis of the denial or deprivation of citizenship resulting in statelessness as it affects persons belonging to minorities. It is based on the invaluable information and responses provided by the individuals, organizations and States listed in the annex to the present report, to which the Special Rapporteur is extremely grateful.

25. A full thematic report on the subject will be submitted to the Human Rights Council in March 2019.

B. Contextualizing statelessness and minorities

History repeats itself

26. A decade ago, in her report (A/HRC/7/23, summary), the Independent Expert on minority issues wrote on the issue of statelessness and minorities:

> Minorities often face discrimination and exclusion, and they struggle to gain access to their human rights, even under conditions of full and unquestioned

[4] One notable example is the Urdu-speaking Bihari minority in Bangladesh. Despite qualifying for citizenship under the Constitution and legislation, in practice some 300,000 Biharis were denied citizenship and faced severe discrimination in terms of employment opportunities and access to education, among other things. Following litigation, the Government of Bangladesh moved towards granting citizenship to most of them after 2007.

[5] See www.unhcr.org/ibelong/.

> citizenship. Denying or stripping them of citizenship can be an effective method of compounding their vulnerability and can even lead to mass expulsion. Once denied or deprived of citizenship, minorities are inevitably denied protection of their basic rights and freedoms, including minority rights as established in the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

27. Her comments were almost prescient in relation to what would befall the Rohingya minority of Myanmar, currently one of the largest stateless groups in the world and the fastest-growing humanitarian crisis. It was at the same time a recognition of the plight of other minorities who have, throughout the twentieth century, lost or been denied citizenship. These include, to name but a few, the Kurds of the modern-day Syrian Arab Republic and the Palestinians in the 1960s,[6] the Dioula and other northern ethnic groups in Côte d'Ivoire and the Lhotshampa minority of Bhutan in the 1970s, the Banyamulenge in the Democratic Republic of the Congo and the Russian minorities in Estonia and Latvia in the 1990s, and the Haitian minority in the Dominican Republic in the 2010s.

28. There are other, far from savoury, historical precedents that predate the Second World War and highlight the dangers of targeting minorities as "undesirables" to be excluded from the body politic. At various times, indigenous peoples, colonial populations or those of certain despised "races" would not be deemed worthy of equal citizenship to their "superiors" or "masters". Of the many examples in this category is, of course, one of the most notorious: the "Nuremberg Laws" announced at the annual rally of the Nazi Party in September 1935 would begin a process of institutionalized racism that would result in the statelessness of some German Jews who were excluded from Reich citizenship and would contribute to such dehumanization of minorities that the "final solution" and the Holocaust would become possible in one of the most "civilized" societies in Europe.

29. The reasons why minorities are those who so often have no nationality are of course diverse, and many do not involve patterns of racism or discrimination, but common threads clearly appear around the world in terms of legislation and practices that result in massive statelessness affecting particular minorities.

Importance of being a citizen

30. Having a nationality, i.e. the formal status of citizenship, is of overwhelming importance to everyone's lives. Not being a citizen often has tremendous dire consequences:

> The harsh reality for many stateless persons is a story of lack of opportunity, of lack of human rights protection and of lack of participation. They face challenges in all areas of life, including: accessing education and healthcare, finding gainful employment, buying or inheriting property, registering a car or a business, obtaining a birth certificate, driving license, marriage certificate or even death certificate, opening a bank account or getting a loan; falling back on social security, and enjoying a pension. Obtaining a passport or being issued any form of identity documentation is extremely difficult, such that many stateless persons have no proof that they exist and no means by which to identify

[6] Palestine was admitted to the United Nations Educational, Scientific and Cultural Organization in 2011; the General Assembly adopted resolution 67/19, by which it accorded Palestine non-member observer State status in the United Nations, in 2012; and from 2014 the State of Palestine acceded to numerous multilateral treaties. A majority of the world's Governments have recognized the State of Palestine. However, there are still no clear rules relating to acquisition or loss of Palestinian citizenship and there remains uncertainty as to who is eligible to be recognized as a national of the State of Palestine.

themselves in their day-to-day interactions with the state or with private entities. International travel is almost inconceivable, unless by illicit — and dangerous — means. Free movement within the state of residence, even if it is where the person was born and has all of his or her ties, can also be difficult. Arbitrary arrest and detention, including in the person's home country, is not uncommon. In some cases, detention becomes prolonged or even indefinite, if the state is intent on expulsion, but no other country would allow the person to enter. Where a stateless person wants to assert their rights, or where they have become a victim of crime or exploitation, their statelessness can also stand in the way of accessing justice.[7]

31. While citizenship may not exactly be the famous cliché of "the right to have rights",[8] written by Hannah Arendt, herself an exiled German Jew deprived of her citizenship, it is close enough that to be stateless is to find oneself at a locked door, vulnerable and marginalized, unable to seek shelter or solace from the dangers and threats of a hostile world. As noted elsewhere, the disproportionate vulnerability of minorities to statelessness, as a result of State policies and legislation, "can leave them excluded from state structures, without the right to vote or access basic services such as healthcare or education. In extreme cases, statelessness may leave them vulnerable to violence and mass displacement".[9]

32. These dire consequences of statelessness have led UNHCR to conclude, in its Global Action Plan to End Statelessness 2014–2024, that it would be deeply unethical to perpetuate these effects to the point that statelessness itself "is a profound violation of an individual's human rights" when "solutions are so clearly within reach". At the very least, it is clear that, for millions of stateless individuals, usually persons who are members of a minority, their statelessness is neither coincidence nor accident, but a direct result of a law, policy or practice in violation of international human rights law.

Extent of statelessness as a minority issue

33. A pattern repeats itself in all regions: the largest groups of stateless persons are connected to a handful of specific minorities. In Africa, although there are difficulties in determining the status of numerous population groups owing to a lack of verifiable data, the vast majority of the continent's stateless persons are to be found in one country, Côte d'Ivoire, where they number almost 700,000 and are members of the Dioula and other minorities. This situation is the result of changes to nationality legislation in the 1990s.[10] In the Democratic Republic of the Congo, there are also thought to be many stateless persons, in particular among minorities such as the Banyamulenge, although precise figures are difficult to obtain. In both countries, the situation has been one of the main causes of conflict. In the Americas, the pattern repeats itself: almost all the 210,032 stateless persons whom UNHCR reported in its statistics for 2013 were found in a single country, the Dominican Republic, and almost all were members of a single minority, persons of Haitian descent. Some 10,000 persons were able to confirm their, or obtain, Dominican citizenship, and the others

[7] Institute on Statelessness and Inclusion, "Impact of statelessness". Available at www.institutesi.org/world/impact.php.

[8] The human rights enumerated in various treaties are not, with a few exceptions, limited to citizens. All persons falling within a State's jurisdiction or territory, whether citizens or not, are entitled to the vast majority of human rights recognized in international law. This is also confirmed by the Human Rights Committee in paragraph 10 of its general comment No. 31 (2004) on the nature of the general legal obligation imposed on States parties to the Covenant.

[9] Minority Rights Group International, "Denial and denigration: how racism feeds statelessness" (October 2017). Available at http://stories.minorityrights.org/statelessness/home/.

[10] According to UNHCR, some 692,000 individuals were stateless in 2017. See http://popstats.unhcr.org/en/persons_of_concern.

were deported, left voluntarily or were forced to leave for makeshift refugee camps in Haiti.

34. The pattern is seen again in Asia and the Pacific: the stateless Rohingya in Myanmar, of whom there were close to 1 million in 2016, are by far the largest concentration of stateless individuals in this vast region, although they are closely followed by Palestinians in the Middle East (notwithstanding the uncertainty as to the status of many), followed by some 500,000 individuals in Thailand in 2017, most of whom come from various ethnic minorities, including many who may originate from Myanmar and indigenous populations. Neither is Europe exempt from the same phenomenon. According to UNHCR statistics for 2017, almost all the stateless persons in Europe belong to two minority groups, Russians and Roma. The Russian minority is found in Estonia and Latvia, where its members number more than 310,000, while the Roma are more dispersed throughout Europe but may not be able to demonstrate their citizenship in countries with more demanding formalities.[11]

35. There are, of course, many more individuals or groups affected by statelessness, not all of them belonging to minorities. It is, however, undeniable and striking that only a handful of minorities represent a staggeringly high proportion of the world's stateless population and is indicative of a common and persistent systemic problem. Indeed, this type of pattern may arise in new contexts. In India, for example, a proposed amendment to the Citizenship Act of 1955 would facilitate eligibility for citizenship for most religious groups, but exclude the Muslim minority. Fears have been expressed that that situation would lead to millions of Muslims in India being unable to formalize their citizen status, thus leaving them stateless.[12]

C. Main causes of statelessness

36. Statelessness does not equally affect populations around the world: it is, by and large, a minority issue, given that more than three quarters of the world's stateless populations are persons belonging to minorities. Notwithstanding some initiatives and successes connected to the Global Action Plan to End Statelessness,[13] this number does not appear to have changed dramatically as at 2018.

37. A preliminary conclusion from the expert consultation and other contributions to the present report is that the large-scale occurrence of statelessness is usually connected to the following main situations:

(a) Changes in legislation resulting in denial or deprivation of previously held citizenship. This is the most common cause of statelessness for millions of minorities, including the Rohingya in Myanmar and the Kurds in Iraq and the Syrian Arab Republic, and most other cases of large-scale statelessness affecting specific minority groups;

(b) State succession, secession or changing borders where individuals held citizenship in a previously existing State. The authorities, in some cases, do not extend to some individuals, in particular those who belong to a distinct ethnic

[11] European Network on Statelessness, European Roma Rights Centre, Institute on Statelessness and Inclusion, "Roma belong: statelessness, discrimination and marginalisation of Roma in the western Balkans and Ukraine" (Budapest, October 2017). Available at www.errc.org/cms/upload/file/roma-belong.pdf.

[12] Saba Sharma, "India's plan to tweak its citizenship law will fundamentally alter the country", India Quartz, 9 July 2018. Available at https://qz.com/1321289/why-tweaking-indias-citizenship-law-is-a-bad-idea/.

[13] For example, in May 2017, West Africa became the first region to develop a binding regional action plan, under the auspices of the Economic Community of West African States, with the goal of eradicating statelessness.

minority, citizenship of the new country or with a change of borders that includes new populations. This is the case for some of the larger stateless populations, such as the Russian minority in Estonia and Latvia and (previously) the Biharis of Bangladesh. In addition, the break-up of Czechoslovakia left thousands of Roma with a citizenship status disputed by both successor States;

(c) Requirements for documentary evidence establishing citizenship may give rise to the existence of nomadic minorities or indigenous populations, in part because of their lifestyles or their isolated locations (often near borders), who may operate largely outside the reach of the State authorities and therefore have no documentation to support their citizenship claims. Among these are some of the Roma in Europe, the seafaring Moken of Myanmar and Thailand and the Tuaregs of northern Africa;

(d) Arbitrary, onerous and other requirements can at times be imposed on populations from a particular region (and thus disproportionally affect particular minorities), religion, ethnicity or language, creating de facto obstacles for certain minorities when it comes to proving, maintaining or obtaining citizenship. The Lhotshampa of Bhutan and some Kurds in the Syrian Arab Republic were subjected to such types of requirements;

(e) Conflicts and refugee movements can often lead to individuals fleeing their State of origin and either losing or being unable to prove their previous citizenship and being unable to acquire new citizenship in their country of refuge. These populations, many of whom are minorities, may face barriers to the issuance of birth and other civil registration documents. Palestinians and Syrians, for example, fit into this category;

(f) The historical denial of citizenship is a final pattern that occurs when a particular segment of a State's population has always been excluded from citizenship. For example, the Bidun were not granted citizenship in Kuwait upon the country's independence, nor were, initially, the so-called "estate" or "plantation" Tamils in Sri Lanka;[14]

(g) Stripping of citizenship ostensibly involves reasons of national security or to combat terrorist threats. Specific individuals are targeted by the State authorities through judicial or administrative processes. In some situations, there may be a discriminatory or arbitrary dimension to such exceptional processes, affecting in particular members of certain minorities.

38. There can, of course, be other situations leading to individuals becoming stateless, although the numbers involved would tend to be relatively low, such as in the case of gaps in citizenship laws, where a child may be born outside a parent's home country and the country of birth recognizes only *jus sanguinis* (citizenship by descent) and the home country only *jus soli* (citizenship by birth).

39. The above patterns, which underpin most situations of statelessness around the world, do not in and of themselves necessarily involve breaches of international human rights obligations. There are, in addition, various human rights obligations that may be relevant, although it is clear that at least in the situations of large-scale

[14] Numbering some 300,000 in 2003, this Sri Lankan minority was largely stateless. Legislation and other measures have led to one of the few cases of mass statelessness, along with the Biharis in Bangladesh, being resolved. The legislation passed in October 2003 granted to all stateless persons of Indian origin who had lived in Sri Lanka since 30 October 1964, and their descendants, Sri Lankan citizenship upon request. Another successful move to stamp out statelessness among minorities occurred when steps, including the introduction of a new citizenship law and mobile teams for remote regions to issue citizenship certificates, were taken by the authorities in Nepal from 2006 to address the statelessness of more than 2 million people among the Madhesi, Dalit and Janajati minorities.

statelessness involving minorities — and therefore for millions of those who are stateless globally — there appears to be a consensus among experts, international organizations and other interested parties that serious human rights considerations are at play.

D. Statelessness and human rights obligations

40. It is a long-standing rule in customary and treaty law, under article 1 of the Convention on Certain Questions relating to the Conflict of Nationality Laws, of 1930, that "it is for each State to determine under its own law who are its nationals". Nevertheless, this must be understood to be subject to a clear limit in that any national law, policy or practice in relation to citizenship — whether it is its acquisition, maintenance or loss — must at the same time conform to, again in accordance with article 1, "international conventions, international custom, and the principles of law generally recognised with regard to nationality", including international human rights obligations.

41. The Inter-American Court of Human Rights has ruled that "the manners in which States regulate matters bearing on nationality cannot today be deemed within their sole jurisdiction; those powers of the State are also circumscribed by their obligations to ensure the full protection of human rights".[15]

42. The denial or deprivation of citizenship is, in very limited instances, permissible under international law, even if it results in statelessness, but only if no international human rights obligations have been breached. To put it simply, this is highly unlikely to be the case, in particular if the result is the exclusion or loss of citizenship affecting a large number of individuals who are members of a minority.

43. There are four main intersecting human rights standards that are clearly of utmost importance in relation to statelessness:

(a) Right to nationality;

(b) Obligation to prevent statelessness;

(c) Prohibition of discrimination;

(d) Arbitrary denial or deprivation of citizenship.[16]

44. All four operate differently from a legal perspective, although there have been rulings in relation to the latter two standards to the effect that any form of discriminatory denial or deprivation of citizenship would automatically be considered arbitrary in international law. These four standards, which are likely to have a significant impact on the legislation, policies or practices that result in millions of persons belonging to minorities being stateless, will be subject to more in-depth consideration in the final version of the present report, to be submitted in March 2019.

[15] Inter-American Court of Human Rights, advisory opinion OC-4/84 of 19 January 1984, para. 32.

[16] A number of recent initiatives in Africa, for example, emphasize more this dimension, including the Abidjan Declaration of Ministers of ECOWAS Member States on the Eradication of Statelessness and a draft protocol to the African Charter on Human and Peoples' Rights on the specific aspects of the right to a nationality and the eradication of statelessness in Africa, adopted by the African Commission on Human and Peoples' Rights in 2015 and formally submitted to the African Union in May 2017. Under the protocol, minimum conditions would be established for States to be required to recognize or grant nationality to individuals with strong connections to their territory, recognizing also the specific challenges caused by the colonial establishment of arbitrary borders in Africa, population and labour transfers before independence and low levels of birth registration and the nomadic lifestyle of many on the continent.

45. In more recent years, especially in relation to individuals from another ethnic, religious or linguistic background who are denied or deprived of citizenship, it is the right to equality without discrimination that has come increasingly to the fore as one of the strongest human rights provisions that may successfully be invoked.[17] For example, the African Commission on Human and Peoples' Rights found[18] that nationality had been denied to particular ethnic groups on the basis of their actual or perceived ethnic origin, their religion and/or their patronym and that the citizenship legislation and practice in place had led to discriminatory policies against persons belonging to ethnic minorities, with the result being statelessness for hundreds of thousands of individuals in Côte d'Ivoire.

46. As listed earlier herein, similar legislation and practices appear to be at the root of the denial or deprivation of citizenship of Palestinian, Rohingya, Russian, Roma, Bidun, Haitian, Lhotshampa and other minorities, of whom there are millions. In the final version of the present report, the Special Rapporteur will detail whether and how exactly these human rights obligations are involved.

E. Effective eradication of statelessness with regard to minorities

47. It is also important to highlight recent constructive and effective initiatives that have been launched to address the particular vulnerability or marginalization of minorities in relation to statelessness. Thousands of indigenous people in Costa Rica and Panama, who are also a numerical minority in those countries, have had their citizenship recognized thanks to a recent registration drive by the Costa Rican Civil Registry and its Panamanian counterpart, supported by UNHCR. Nationality laws in a number of States, including recently Madagascar, have been amended to give women and men equal rights to pass on their nationality to their children as part of the UNHCR #IBelong campaign and one of its "10 actions to end statelessness by 2024".

48. The key action in the Global Action Plan to End Statelessness is to "resolve existing major situations of statelessness". As underlined herein, the major situations of statelessness everywhere in the world, involving more than three quarters of the total number of stateless persons, appear to involve targeted minorities who are denied or deprived of citizenship.

49. Although they predate the current UNCHR campaign, it is worth drawing attention to at least two situations where statelessness has been eradicated, resulting in the systematic recognition of or granting of citizenship to more than half a million persons belonging to minorities in just two countries, a hugely significant number overall. In Bangladesh (after 2007 for the Biharis) and Sri Lanka (after 2003 for the "estate" Tamils), litigation and changes in legislation eventually removed obstacles to the acquisition or effective recognition of citizenship for these minorities. This is also an indication of existing specific practices that show how similar measures could be adopted to resolve existing major situations of statelessness.

50. The Special Rapporteur will be holding further consultations and discussions with State and non-State actors in order to obtain feedback on the present report before submitting his report to the Human Rights Council in 2019. In addition, the theme will be examined by the Forum on Minority Issues in November 2019. It is hoped that practical guidelines will eventually be developed, following an additional

[17] Inter-American Court of Human Rights, *Case of Expelled Dominicans and Haitians v. Dominican Republic*, judgment of 28 August 2014, and African Commission on Human and Peoples' Rights, *Open Society Justice Initiative v. Côte d'Ivoire*, decision 318/06 of 28 February 2015.

[18] African Commission on Human and Peoples' Rights, *Open Society Justice Initiative v. Côte d'Ivoire*.

meeting of experts, that will incorporate the result of previous work undertaken in this field.

IV. Preliminary conclusions and recommendations

51. The Special Rapporteur welcomes the exceptional work being done by UNHCR and a number of Governments to combat statelessness, including positive practices in a few countries that have corrected previous discriminatory denial or deprivation of citizenship affecting some minorities. He is grateful in particular to the many international and regional organizations, national Governments, civil society organizations and individual experts who have responded to his call for submissions and participated in the regional expert consultation held in Bangkok or met him for discussions and consultations in 2017 and 2018.

52. He encourages the international community and other relevant actors, in 2018, to pursue a debate on and examination of the intimate connections between statelessness and the denial or deprivation of citizenship, which mainly affects persons belonging to minorities.

53. The Special Rapporteur calls upon, in particular, States and other interested parties to continue to reflect on statelessness as a minority issue and to participate in his activities to complete the work begun through the present report, including the possible development of a practical guide to avoid citizenship legislation that may run afoul of the four international human rights standards most likely to be involved in practices leading to the statelessness of millions of minorities.

54. The Special Rapporteur believes that efforts must be intensified by all relevant actors, in particular States, if the statelessness of some 10 million individuals, more than three quarters of whom are minorities, is to be tackled effectively. For these reasons, he makes the preliminary recommendations set out below.

55. States have a prerogative to establish laws governing the acquisition, recognition or loss of citizenship, although this is clearly circumscribed by international human rights law.

56. States must not arbitrarily or discriminatorily deny or deprive minorities of citizenship, the main cause of statelessness around the world.

57. The Special Rapporteur reiterates the invitation of the first holder of the mandate of Independent Expert on minority issues to UNHCR and the Office of the United Nations High Commissioner for Human Rights to undertake a study to reveal the extent to which statelessness is a minority issue globally. This should include, insofar as possible, the collection and analysis of statistical data disaggregated on the basis of gender and ethnic, linguistic and religious criteria.

58. States must register all children and issue birth certificates immediately after birth. States should also consider registration campaigns and simplify registration requirements, targeting indigenous peoples and nomadic and isolated minority communities, who tend to be excluded or disadvantaged by burdensome or arbitrary requirements, resulting in later difficulty when it comes to demonstrating their nationality.

59. States must grant nationality to all children born on their territory if the child would otherwise be stateless, regardless of the immigration status of the parents.

60. State requirements for the granting of citizenship, including in relation to any preference in terms of linguistic, religious or ethnic characteristics, must be reasonable and justified in order not to constitute a form of discrimination prohibited under international law.

61. There needs to be further clarification of what constitutes discriminatory denial or deprivation of citizenship. The Special Rapporteur calls upon the international community, Member States, international organizations and other interested parties to assist in the development of further practical guidelines, including their production in the official languages of the United Nations and their dissemination through social and other media so as to ensure as wide access as possible.

62. The Special Rapporteur invites UNHCR, the Office of the United Nations High Commissioner for Human Rights and other international, regional and national interested parties to consider, as part of the Global Action Plan to End Statelessness, organizing a dedicated international forum in 2019 or 2020 on how to implement action 1, on resolving existing major situations of statelessness, specifically in relation to the major situations of statelessness, which all involve minorities around the world.

Annex

Contributions to the report

From 1 August 2005 to 1 December 2016, the holders of the mandate on minority issues have sent 239 individual communications to Governments. In 2005, the first year of the mandate's existence, only one communication was sent. Since then, however, there has been an almost steady increase, with the highest number sent in 2011 (37), when the current mandate holder took office (see table).

Year	*Communications sent*
2005	1
2006	10
2007	16
2008	10
2009	10
2010	10
2011	37
2012	30
2013	31
2014	34
2015	29
2016 (until 1 Dec)	21
Total	**239**

A. Contributions to and participants in the regional expert consultation held in Bangkok on 30 April and 1 May 2018

Name and title	*Organization*
José-María Arraiza, leader of the Information, Counselling and Legal Assistance Programme	Norwegian Refugee Council, Myanmar
Timnah Baker, Research Fellow	Peter McMullin Centre on Statelessness, Melbourne Law School, Australia
Patrick Balazo, Researcher	Canadian Centre on Statelessness and Justice Centre Hong Kong, China
Laura Bingham, Senior Managing Legal Officer for Equality and Citizenship	Open Society Justice Initiative, United States of America
Helen Brunt, Senior Migration Officer	International Federation of Red Cross and Red Crescent Societies, Thailand
Amal de Chickera, Co-Director and Co-Founder	Institute on Statelessness and Inclusion, Netherlands
Suu Chit, Director	The Seagull, Myanmar

Name and title	*Organization*
Nikola Errington, Protection Officer (Statelessness)	UNHCR, Myanmar
Nicole Girard, South-East Asia Coordinator	Minority Rights Group International, Thailand
Khalid Hussain, human rights lawyer, minority rights activist and Vice-President	Statelessness Network Asia Pacific, Bangladesh
Jerald Joseph, Commissioner	Human Rights Commission of Malaysia
Nina Murray, Head of Policy and Research	European Network on Statelessness, United Kingdom of Great Britain and Northern Ireland
Jelvas Musau, Senior Regional Protection Officer (Statelessness) and Regional Officer for South-East Asia	Office of the United Nations High Commissioner for Refugees (UNHCR), Pakistan
Maalini Ramalo, Senior Manager for Social Protection	Development of Human Resources in Rural Areas, Malaysia
Butmao Sourn, Executive Director	Minority Rights Organization, Cambodia
Davina Wadley, Coordinator	Statelessness Network Asia Pacific, Australia
Myo Win, Executive Director	Smile Education and Development Foundation, Myanmar

B. Responses to call for submissions from States, civil society and other experts

1. States

State	*Response*
Argentina	Letter explaining legislation on statelessness
Australia	Letter explaining legislation on statelessness
Austria	Letter, UNHCR report entitled "Mapping statelessness in Austria" and explanation of legislation on deprivation of citizenship, including in relation to foreign terrorist fighters
Azerbaijan	Response to questionnaire and explanation of legislation on statelessness and other aspects
Costa Rica	Response to questionnaire and explanation of legislation on statelessness and other aspects
Croatia	General response to questionnaire and letter explaining legislation, with focus on stateless Roma
Hungary	General response to questionnaire with reference to legislation and policies on statelessness, and explanation of situation of statelessness with regard to Slovakia
India	Direct response to questionnaire

State	*Response*
Lebanon	Response to questionnaire and explanation of legislation on statelessness and other aspects
Mauritania	Response to questionnaire and description of legislative and policy response to statelessness
Montenegro	General response to questionnaire and letter containing explanation of policy and legislative provisions on statelessness
Portugal	Direct response to questionnaire
Ukraine	Direct response to questionnaire
United States of America	General response addressing some issues in questionnaire
Uruguay	Direct response to questionnaire

2. National human rights institutions

Institution	*Nature of response*
Afghanistan (Independent Human Rights Commission)	Letter addressing some issues in questionnaire
Argentina (Office of the Ombudsman)	Direct response to questionnaire
Denmark (Danish Institute for Human Rights)	Direct response to some questions
Guatemala (Office of the Human Rights Advocate)	Direct response to some questions
Serbia (Office of the Protector of Citizens)	General response
Togo (National Human Rights Commission)	Direct response to questionnaire
Kosovo[a] (Office of the Ombudsperson)	General response

[a] References to Kosovo shall be understood to be in the context of Security Council resolution 1244 (1999). The Office of the Ombudsperson in Kosovo was established in 2000 by United Nations Interim Administration Mission in Regulation No. 2000/38.

3. International organizations

Organization	*Nature of response*
Council of Europe (Roma and Travellers Team, Directorate General of Democracy)	Response to questionnaire addressing various cases affecting Roma in countries including Serbia, Italy, Ukraine and other legislative changes
UNHCR	Specific response to the questionnaire covering challenges facing different regions, includes its report on statelessness in South-Eastern Europe
UNHCR (Tajikistan)	Direct response to questionnaire explaining UNHCR role and challenges faced in Tajikistan in tackling statelessness at the legislative and policy levels

4. Civil society organizations

Organization	*Nature of response*
European Network on Statelessness, European Roma Rights Centre, Institute on Statelessness and Inclusion (joint submission)	Research on Roma and challenges in obtaining citizenship
First Modern Agro Tools Common Initiative Group	Comprehensive response to questionnaire addressing statelessness affecting the English-speaking minority in Cameroon
Hong Kong Society for Asylum-Seekers and Refugees	Direct response to questionnaire, including a study by the Education University of Hong Kong on understanding the plight of asylum seekers, and addressing how statelessness is affecting asylum seekers in Hong Kong, China
Journalists and Writers Foundation	General response and addressing deprivation of nationality of Turkish citizens abroad
Justice Centre Hong Kong	Direct response to questionnaire addressing issues pertaining to statelessness in Hong Kong, China
Latvian Human Rights Committee	Direct response to questionnaire addressing aspects of statelessness in Latvia
Liberian Council of Churches	Direct response to questionnaire and provision of a press release on a call for a world stateless day, covering many situations in West Africa and Asia
Minority Rights Group International	Specific response to questionnaire and addressing obstacles to statelessness in Mauritania
Right to a State (Benin)	Specific response to questionnaire, report on statelessness in Benin and addressing obstacles to ending or addressing statelessness at the social, political and legislative levels in Benin
Scalabrini Centre of Cape Town and Legal Resource Centre (South Africa)	Direct response to questionnaire covering challenges and causes of statelessness in South Africa
United Stateless	General submission addressing statelessness in the United States

5. Other experts and responses

Name and title or affiliation	*Nature of response*
Ewelina Ochab, Legal Researcher	General report addressing Iraqi Christian minority status after Islamic State in Iraq and the Levant
Vlada Poļisadova, Maastricht University	Report addressing the rights of non-citizens in Latvia
Yana Toom, Member of the European Parliament	General response on how statelessness is addressed by the European Parliament and legislation
William Worster, Senior Lecturer, The Hague University	Report addressing child statelessness